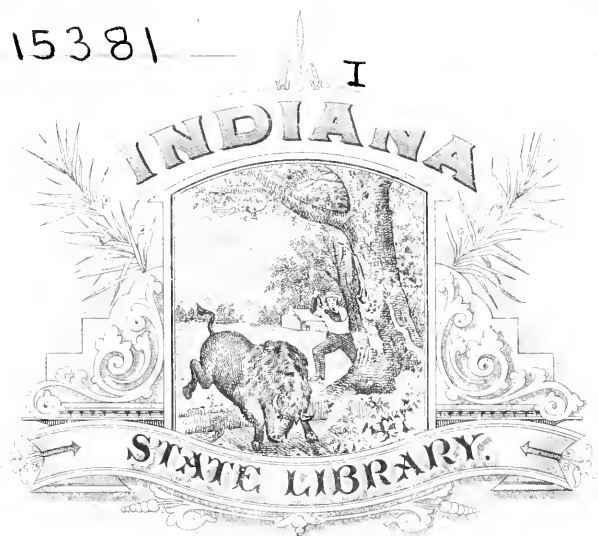


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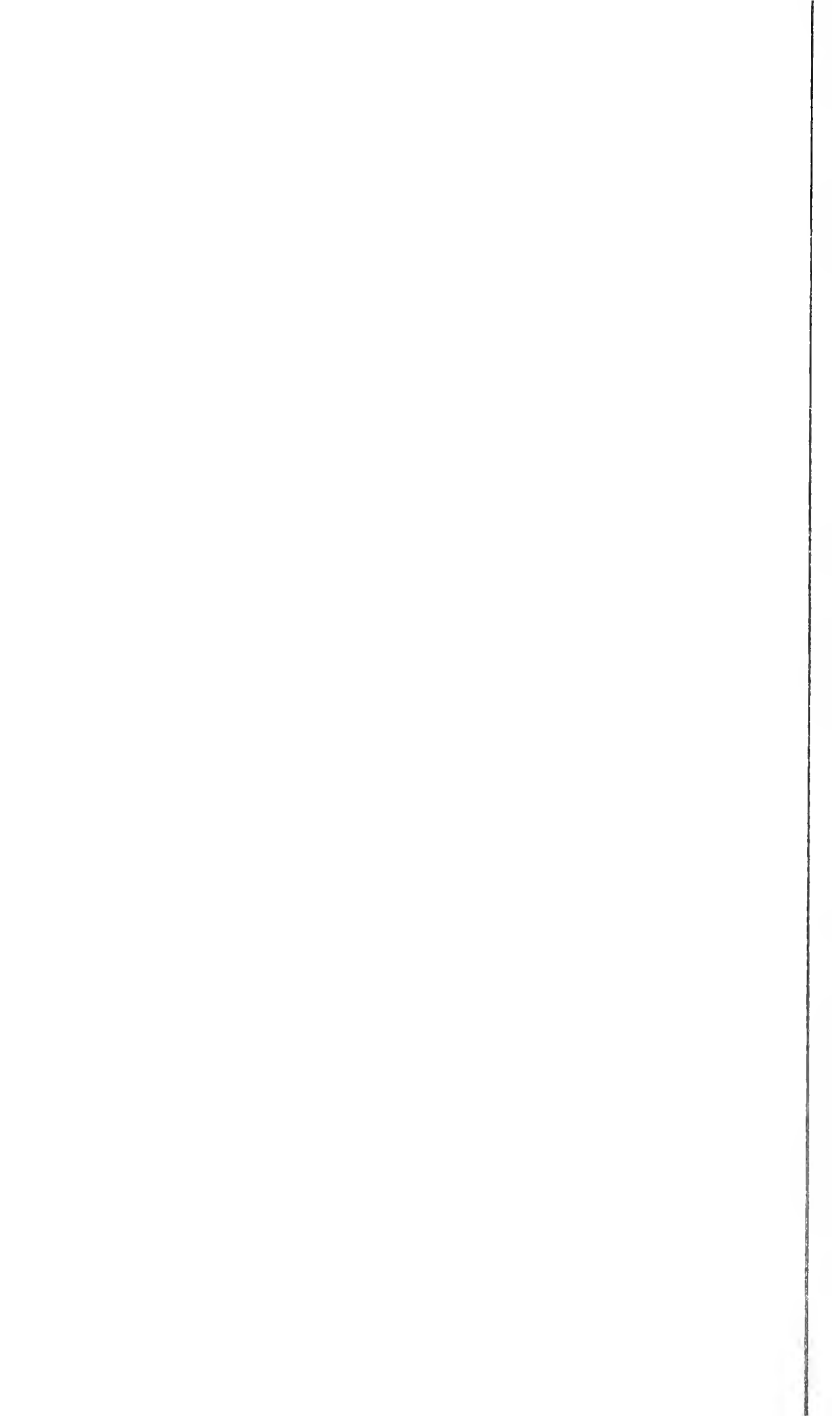
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JOURNAL.

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF INDIANA

DURING THE

THIRTY-SIXTH SESSION

OF THE

GENERAL ASSEMBLY,

COMMENCING DECEMBER 1, 1851.

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1851.

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# JOURNAL

## OF THE

# HOUSE OF REPRESENTATIVES,

*During the thirty-sixth session of the General Assembly, begun and held in the city of Indianapolis, on Monday the first day of December, one thousand eight hundred and fifty-one, being the day fixed by law for the meeting of the same.*

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The House being called to order by E. W. H. Ellis, Auditor of State, the following members appeared, produced their credentials, and were sworn into office by the Hon. Isaac Blackford, one of the Judges of the Supreme Court of the State of Indiana, and took their seats :

*From the county of Adams—John Crawford.*

*From the county of Allen—Isaac D. G. Nelson.*

*From the county of Bartholomew—Joseph Struble.*

*From the county of Blackford—Joseph W. Holliday.*

*From the county of Boone—William B. Beach and William Staton.*

*From the county of Brown—William Taggart.*

*From the county of Carroll—Albert G. Hanna.*

*From the county of Cass—William Z. Stuart.*

*From the county of Clark—Thomas W. Gibson and Andrew J. Hay.*

*From the county of Clay—Oliver Cromwell and George Donham.*

*From the county of Clinton—James F. Suit.*

*From the county of Crawford—Joel Ray.*

*From the county of Dearborn*—Oliver B. Torbet and William S. Holman.

*From the county of Decatur*—John F. Stevens.

*From the county of Delaware*—Michael Thompson.

*From the county of Dubois*—Henry W. Barker.

*From the county of Elkhart*—Joseph Beane.

*From the county of Fayette*—John V. Lindsey.

*From the county of Floyd*—Phineas M. Kent.

*From the county of Fountain*—Jacob Dice.

*From the county of Franklin*—Samuel Davis and Emanuel Withers.

*From the county of Fulton*—Hugh Miller.

*From the county of Grant*—Zimri Reynolds.

*From the county of Greene*—Andrew Humphreys.

*From the county of Hamilton*—James H. Douthit.

*From the county of Hancock*—John Foster.

*From the county of Harrison*—Thomas S. Gunn.

*From the county of Hendricks*—Ebenezer S. Watson.

*From the county of Henry*—Isaac H. Morris.

*From the counties of Howard and Tipton*—Nathaniel R. Lindsay.

*From the counties of Huntington and Wells*—George McDowell.

*From the county of Jackson*—Samuel T. Wells.

*From the county of Jay*—Robert Huey.

*From the county of Jefferson*—John Lyle King and Francis F. Mayfield.

*From the county of Jennings*—Edward P. Hicks.

*From the county of Johnson*—Samuel Eccles.

*From the county of Knox*—James D. Williams.

*From the county of Kosciusko*—Robert Geddes.

*From the county of LaGrange*—Francis Henry.

*From the county of Lake*—Alexander McDonald.

*From the county of LaPorte*—Franklin W. Hunt.

*From the county of Lawrence*—Melchert Helmer.

*From the county of Madison*—Thomas McAllister and Andrew Shanklin.

*From the county of Marion*—Isaac Smith.

*From the counties of Marshall and Starke*—Thomas Sumner.

*From the county of Martin*—Martin D. Crim.

*From the county of Miami*—Richard F. Donaldson.

*From the county of Monroe*—Samuel H. Buskirk.

*From the county of Montgomery*—Mahlon D. Manson and Daniel C. Stover.

*From the county of Noble*—Jerome Sweet.

*From the county of Orange*—David S. Huffstetter.

*From the county of Owen*—James W. Dobson.

*From the county of Parke*—Elias G. Holliday.

*From the county of Perry*—Milton Walker.

*From the county of Pike*—James C. Graham.

- From the county of Porter*—William M. Harrison.
- From the county of Posey*—Robert Dale Owen and Urbin Marrs.
- From the counties of Pulaski and Jasper*—A. M. C. Goudy.
- From the county of Putnam*—Bradford Glazebrook.
- From the county of Randolph*—John Wilson.
- From the county of Ripley*—Hiram A. Hart.
- From the county of Rush*—Junius Beeson.
- From the county of St. Joseph*—Thomas S. Stanfield.
- From the county of Scott*—William H. English.
- From the county of Shelby*—William Major.
- From the county of Spencer*—Thomas M. Smith.
- From the county of Sullivan*—John W. Davis and Theophilus Chowning.
- From the counties of Switzerland and Ohio*—Samuel Porter and John W. Spencer.
- From the county of Tippecanoe*—Godlove O. Behm.
- From the county of Union*—James Leviston.
- From the county of Vanderburgh*—Willard Carpenter.
- From the county of Vermillion*—Henry Hostetter.
- From the county of Vigo*—Samuel B. Gookins and Robert M. Hudson.
- From the county of Wabash*—Calvin Cowgill.
- From the county of Warren*—James R. M. Bryant.
- From the county of Warrick*—Eli Lewis.
- From the county of Washington*—Rodolphus Schoonover.
- From the county of Wayne*—John P. Doughty, Edmund Lawrence and Joseph N. Bulla.
- From the counties of White and Benton*—Solomon Hays.

On motion of Mr. Spencer,

The House proceeded to the election of a Speaker by a *viva voce* vote.

*Those who voted for John W. Davis were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Harrison, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staten, Stevens, Stover, Struble, Stuart, Suit, Sumner,

Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson and Withers—91.

John W. Davis voted blank.

John W. Davis having received a majority of all the votes given, was declared duly elected Speaker of the House of Representatives for and during the present session, and was conducted to the Chair by Messrs Owen and Stanfield.

The Speaker then delivered the following address :

GENTLEMEN:

You have placed me under special obligations by this manifestation of your kind partiality, in calling me to preside over your deliberations. This obligation is enhanced by the manner in which the call has been made—the vote being almost unanimous. Although not altogether unacquainted with the duties of the chair, I assume its responsibilities with some distrust as to my ability to discharge its varied obligations to the satisfaction of all of our diversified interests. I can say, however, in all sincerity, that I bring with me to this station a determination faithfully and impartially to discharge its functions to the best of my humble ability, and I doubt not I shall often be compelled to veil errors of judgment under that kindness and friendship which have been exercised by you in elevating me to this situation.

I have only to add, that I entertain a fervent hope that harmony and courtesy may characterize all our deliberations, and that our labors will result in such legislation as will subserve the interests and promote the happiness and prosperity of our common constituency.

Messrs. Gilman C. Mudget and George W. McConnell, Representatives elect from Steuden and DeKalb counties, and John Laverty, Representative elect of Morgan county, appeared, were qualified, and took their seats.

On motion by Mr. Hanna,

The House proceeded to the election of Principal Clerk by a *viva voce* vote.

*Those who voted for George L. Sites were,*

Messrs. Barker, Beach, Bean, Beeson, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Clazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Harrison, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holliday of Parke, Holliday

of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McCallister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staten, Stephens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers—95.

George L. Sites having received a majority of all the votes given, was declared duly elected Principal Clerk of the House of Representatives, to serve as such during the present session, was sworn into office and entered upon the discharge of his duties.

On motion by Mr. Schoonover,

The House proceeded to the election of an Assistant Clerk by a *viva voce* vote.

*Those who voted for Andrew J. Boone were,*

Messrs. Barker, Beach, Beane, Beeson, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Harrison, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holliday of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Heward, Major, Manson, Marrs, Mayfield, McCallister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staten, Stephens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers—92.

Andrew J. Boone having received a majority of all the votes given, was declared duly elected Assistant Clerk of the House of Representatives, to serve as such during the present session, was sworn into office, and entered upon the discharge of his duties.

On motion by Mr. Owen,

The House proceeded to the election of a Door-keeper by a *viva voce* vote.

*Those who voted for George W. Patterson were,*

Messrs. Barker, Beach, Beane, Beeson, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Graham,

Gunn, Hanna, Harrison, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holliday of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McCallister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staten, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—94.

George W. Patterson having received a majority of all the votes given, was declared duly elected door-keeper of the House of Representatives for and during the present session, was sworn into office, and entered upon the discharge of his duties.

By unanimous consent,

Messrs. Mudget and McConnell recorded their votes for John W. Davis for Speaker of the House of Representatives.

On motion by Mr. Manson,

The House proceeded to the election of a Sergeant-at-arms by a *viva voce* vote.

*Those who voted for Washington Holloway were,*

Messrs. Barker, Beach, Beane, Beeson, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis of Franklin, Dice, Dobson, Donaldson, Donham, Dougherty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Harrison, Hart, Hay of Clark, Helmer, Henry, Hicks, Holliday of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McCallister, McConnell, Miller, Mudget, Nelson, Porter, Ray, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staten, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—88.

Mr. King voted for Smith—1.

Washington Holloway having received a majority of all the votes given, was declared duly elected Sergeant-at-arms of the House of Representatives for and during the present session, was sworn into office and entered upon the discharge of his duties.

Mr. Spencer offered the following resolution :



*Resolved*, That the Clerk of this House inform the Senate that the House of Representatives have convened, formed a quorum, elected John W. Davis, Speaker, George L. Sites, Principal Clerk, Andrew J. Boone, Assistant Clerk, George W. Patterson, Door-keeper, and Washington Holloway, Sergeant-at-Arms, and are now ready to proceed to business.

Which was adopted.

On motion by Mr. Spencer,

*Resolved*, That a committee of two be appointed by this House, to act with a similar committee on behalf of the Senate to wait on his Excellency the Governor, and learn at what time it will be convenient for him to make his annual communication to the present General Assembly, and report their proceedings to their respective bodies, and that the Senate be informed of the adoption of this resolution.

Messrs. Spencer and Bryant were appointed said committee.

On motion by Mr. Smith of Marion,

*Resolved*, That a committee of two on the part of the House of Representatives, be appointed to act with a similar committee of the Senate to wait on the Rev. Wm. Wilson, and respectfully request him to attend in the Hall of the House to-morrow morning at half-past 9 o'clock, for the purpose of addressing the Throne of Grace by prayer on behalf of this General Assembly, and that the Senate be requested to reciprocate this resolution.

Messrs. Smith and Gookins were appointed said committee.

On motion by Mr. Lewis,

The House adjourned to meet at 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion by Mr. Hanna,

*Resolved*, That the Door-keeper be required to furnish each member of this House with a copy of the rules and joint rules of the last Legislature at as early an hour as possible.

Mr. Davis of Franklin offered the following resolution:

*Resolved*, That this House adopt the rules and orders of the last

House of Representatives so far as applicable to the government of this House until the same be rescinded.

Mr. Smith of Marion moved to amend the resolution by adding to the eighth section of said rules and orders the words, "and a committee on Manufactures and Commerce."

Which amendment was adopted.

The resolution was then agreed to.

On motion by Mr. Buskirk,

*Resolved*, That a committee of five be appointed to inquire into and report what new standing committees are required in this House under the new constitution.

Messrs. Buskirk, English, Stanfield, Owen, and Davis of Franklin were appointed said committee.

A message was received from the Senate by Mr. Dunn, their Secretary.

Mr. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution, viz:

*Resolved*, That the Secretary of the Senate inform the House of Representatives that the Senate have convened and elected John P. Dunn, Principal Secretary, James H. Vawter, Assistant Secretary, and Wm. M. Patterson, Door-keeper, and are now ready to proceed to legislative business.

On motion by Mr. Davis of Franklin,

*Resolved*, That the Door-keeper be ordered to lay a copy of the new constitution on the desk of each member.

Mr. Spencer offered the following resolution:

*Resolved*, That the Reporters for the newspapers of this city who may desire it, be permitted to occupy seats on the floor of this House and within the bar, for the purpose of reporting the proceedings of this body.

Mr. Kent moved to amend the resolution so as to extend its privileges to all the newspapers of this State;

Which amendment was accepted by the mover of the resolution.

The resolution was then adopted.

Mr. James W. Cockrum, Representative elect from the county of Gibson, appeared, was duly qualified, and took his seat.

On motion by Mr. Smith of Marion,

*Resolved*, That the select committee appointed to report what new standing committees are necessary, be instructed to revise the rules of the House, and make a report of the same as soon as practicable.

Mr. John Scudder, Representative elect from the county of Davies, appeared, was duly qualified and took his seat.

Mr. Gookins offered the following resolution :

*Resolved*, That the Door-keeper be authorized to contract with the publishers of the daily newspapers of this city for one copy of a daily paper for each member during the session ; and that each member inform the Door-keeper what paper he prefers, and that he contract for the same accordingly.

Mr. Smith of Marion moved to amend the resolution by striking out "one" and inserting "three" copies ;

Which motion did not prevail.

Mr. Smith of Marion moved to amend the resolution by inserting the weekly Statesman, Volks Blatt, and Locomotive.

When,

On motion by Mr. English,

The resolution and pending amendment were referred to a select committee.

Messrs. English, Smith of Marion, and Gookins were appointed said committee.

Mr. Davis of Franklin offered the following resolution :

*Resolved*, That the Door-keeper be authorized to contract with the editors of the Indiana State Journal and Indiana State Sentinel, for a daily copy for each member.

Which,

On motion by Mr. Smith of Marion,

Was referred to the select committee, consisting of Messrs. English, Smith of M., and Gookins.

The Speaker laid before the House the following communication, and the report referred to therein :

OFFICE OF SUPT. OF COMMON SCHOOLS, }  
Indianapolis, Dec. 1st, 1851.

Hon. J. W. DAVIS,  
*Speaker of House of Representatives :*

I have the honor to lay before you my Annual Report for the year ending on the 31st of October last, which you will please lay before the House over which you preside.

I have the honor to be,  
Very respectfully,  
Your obd't serv't,  
J. P. DRAKE,  
*Supt. Common Schools.*

The report was informally laid upon the table for the present.  
The Speaker laid before the House the following communication,  
and the report referred to therein :

OFFICE OF TREASURER OF STATE, }  
Indianapolis, Dec. 1st, 1851.

Hon. J. W. DAVIS,  
*Speaker of House of Representatives :*

SIR,—I have the honor to lay before you my Annual Report for the year ending on the 31st day of October last, which you will please lay before the House over which you preside.

I have the honor to be,  
Very respectfully,  
Your obd't serv't,  
J. P. DRAKE, *Treasurer.*

The report was informally laid upon the table for the present.  
A message from the Senate by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am instructed by the Senate to inform the House of Representatives, that the Senate have reciprocated the resolution of the House, providing for the appointment of a committee to wait upon the Rev. Win. Wilson, and respectfully request him to attend in the Hall of the House of Representatives, to-morrow morning at half past 9 o'clock, for the purpose of addressing the throne of Grace by prayer, on behalf this General Assembly.

And Messrs. Teegarden and Athon were appointed a committee on the part of the Senate.

A message from the Senate by Mr. Dunn, their Secretary :

**MR. SPEAKER :**

I am instructed by the Senate to inform the House of Representatives, that the Senate have reciprocated the resolution of the House, providing for the appointment of a committee. to wait upon his Excellency the Governor, to know of him when it will suit his pleasure to make his annual communication to the two houses of the present General Assembly,

And have appointed Messrs. Mickle and Dunn said committee on the part of the Senate.

Mr. Spencer, from a select committee, made the following report :

**MR. SPEAKER :**

The committee appointed to wait upon his Excellency the Governor, in conjunction with a similar committee on behalf of the Senate, beg leave to report that they have attended to that duty, and that it is the pleasure of the Governor to attend in the Hall of the House, for the purpose of delivering his annual message to the General Assembly, immediately after this body shall be opened with prayer on to-morrow.

On motion by Mr. Barker,

The House adjourned till to-morrow morning, nine o'clock.

**TUESDAY MORNING, Dec. 2, 1851.**

The House met pursuant to adjournment.

The Journal of the preceding day was read and adopted.

Henry Brady, member elect from Marion county appeared, was qualified and entered upon the discharge of his duties.

Mr. Smith of Marion, from a select committee made the following report :

**MR. SPEAKER :**

The committee appointed to request the attendance of the Rev. William Wilson to open the session of the General Assembly by prayer, have performed that duty, and are authorized to inform the House that Mr. Wilson will attend in compliance with said request.

Mr. Buskirk, from a select committee made the following report :

MR. SPEAKER :

The select committee to whom was referred a resolution of the House, instructing them to enquire into and report what *new Standing Committees* are required under the New Constitution, have had the same under consideration, and have directed me to recommend the following amendments to the eighth rule of the House, to-wit: Strike out these words, "a committee on the State Bank of Indiana," and insert instead thereof these words, "a committee on Banks;" and add the following additional committees: a committee on the Rights and Privileges of the Inhabitants of the State, and a committee on the Organization of Courts of Justice. The committee have not had time to revise the rules of the House, but they will do so, and submit their report at an early day.

Which was concurred in.

On motion by Mr. Foster,

*Resolved*, That the Door-keeper furnish each member of this House with one copy of the laws of the year 1851; also a copy of the Journal of the last House of Representatives.

On motion by Mr. Withers,

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives, instantan for the purpose of opening the present Session of the General Assembly with prayer, and that seats be provided on the right of the Speaker's chair.

Ordered that the Clerk inform the Senate thereof.

The Senate then came in and took their seats, when the Rev. William Wilson addressed the throne of Grace by prayer, after which his Excellency the Governor came in, and delivered the following message in presence of both Houses :

*Gentlemen of the Senate and House of Representatives :*

You have again assembled for the discharge of the most responsible duties pertaining to civil government; for, while to other departments is committed the charge of administering and executing the laws, yours is the duty of constructing—of enacting them.

We have cause for mutual congratulation in the favorable circumstances with which we are surrounded. Health is restored to our borders, and the Author of all good has crowned the labors of our people with abundance. Industry and enterprise in every depart-



ment have received their just reward, and our citizens are advancing with rapid strides in all the elements of moral, political, and intellectual greatness. These considerations, under a proper sense of our dependence on the Almighty Ruler, will, I trust, properly prepare us for the important duties before us.

The present is an interesting era in the history of our State; it is well worthy of a moment's consideration. On the first day of November last, the Constitution, under which you have assembled, went into operation. On that day we passed from under the old, to the new. That Constitution, under which, for more than a third of a century, we had grown from a handful to a million of inhabitants, secured and protected in all the rights of freemen, has passed away, and a new instrument taken its place. The change is radical in some of the most essential parts of our organic law, but it has been effected without strife, contention or bloodshed, and without affecting, in the slightest degree, the uniform and peaceable pursuits of our people. How different is this from the scenes that distinguish the changes in the old world, not only of law, but even of rulers. With us an hundred and fifty men assemble at the capital, make and proclaim a new organic and elementary law for the future government of a nation of freemen. They adjourn, proclamation is made and published, their labors submitted to and approved by the people. The old passes away, and our people move on as peaceably and quietly, as though no change had happened.

As Indianians we may well challenge a parallel in the unanimity, with which our people adopted the new Constitution—a majority of eighty-six thousand at the ballot-box. It is now your duty to give the new Constitution a steady and energetic support; to carry forward, without delay, all the changes it proposes, that they may be fairly tested. This we owe to the people, to the country, and to ourselves.

The financial condition of the State is, at all times, a subject of the deepest interest, not only to the people themselves, but to their Representatives.

It is to their action that the people must look for the security of their credit, the preservation of their faith, and the exemption from unnecessary burdens.

I am gratified in being able to state that our financial affairs are improving—economy is manifest in all the expenditures; and the time has now arrived when we can commence the work so long looked for by our people—the reduction of the principal of the State Debt of Indiana.

The entire amount of the ordinary expenses of the State, as audited, and paid by the Treasurer, for the year ending the 31st of October, 1851, was \$71,810 36, which is \$11,504 74 less than the amount audited and paid for the year ending October 31st, 1850. This sum, for the ordinary expenses of a million of inhabitants, will

compare most favorably with any State in the Union, it being *per capita*, about seven cents for each individual.

The whole amount of revenue paid into the State treasury, during the past year, ending October 31st, 1851, on all accounts, was \$508,056 24, which exceeds the amount of the previous year, \$58,574 48.

The ordinary expenses of the State government for the ensuing year are estimated at the sum of \$133,500, the increase being principally in anticipation of a protracted session of the Legislature. It is estimated by the Auditor of State that from the revenue of the present year, after liquidating our indebtedness to the Bank, providing for the expenses of the State government, and meeting the January and July dividends on the Public Debt, there will yet be a surplus of about \$100,000. Whatever the surplus may be, I recommend that it be promptly applied to the liquidation of a portion of the principal of the debt, in such manner as you may direct. My own opinion is, that no intricate or complex machinery is necessary, but that your executive officers, with the addition of a Sinking Fund Commissioner, or of the Agent of State, should be charged with this duty. However small the beginning, it should be made at the first possible moment. By the prompt investment of such surplus, and of the School Fund in the manner hereafter suggested, it is believed that from one-third to one-half a million of the Foreign Debt may be withdrawn within the present fiscal year.

The Domestic Debt is so nearly liquidated that I recommend you to direct the Treasurer of State to give notice to the holders of State Scrip, to present the same for payment within a limited period, after which interest on the same shall cease. The Treasurer should also be authorized from time to time to require the County Treasurers to make deposits of such amounts of State revenue as may be in their hands, and for such services, and for those rendered in making advance deposits in 1850, the Auditor and Treasurer of State should be empowered to make a reasonable compensation.

Your attention is called to the very able and practical Report of the Auditor on the finances of the State; also to the valuable suggestions in the Report of the Treasurer.

The wisdom and propriety of the revenue laws of the last session of the Legislature are manifest in the large increase of taxable property returned for the current year. Sufficient returns have been received to warrant the statement that the whole amount of taxable property placed on the duplicate of 1851 will be not less than two hundred and ten millions of dollars—being an increase of seventy-three millions over the previous year, or more than fifty per cent. The greatest increase has been in the personal property, showing that heretofore a large amount of this description of taxables has entirely escaped the knowledge of the assessors. In the item of corporation stock alone, the increase is not less than four millions of dollars.

The increased tax on the personal property returned chargeable to less than four thousand persons in the various counties in the State, is equal to the whole ordinary expenses of the State government for the past year.

There are doubtless defects in the phraseology and practical operations of the revenue acts of the last session, which will from time to time become apparent, and will require remedy at your hands; but the correctness of the principle of assessing every man's property at its actual value, placing men of all conditions and occupations upon the same footing, commends itself to general approbation. A return to the old system is entirely impracticable.

It will be seen on reference to the assessment, that there is still great inequality in the valuation of lands in adjoining counties. Thus, as an instance, in the county of Dearborn the average valuation of land is \$15 81 cents per acre, while in Ohio county it is but \$5 75 per acre. This and other considerations may require a reappraisement at an earlier period than would otherwise be necessary.

The constitution requires you, at this session, to provide by law for the appointment of three commissioners to revise, simplify and abridge the rules, practice, pleadings and forms of the courts of justice. You may also make it the duty of these commissioners to reduce into a systematic code the general statute laws of the State.

I recommend you to make provision for the appointment of these commissioners as soon as possible, and to charge them with a general revision of the laws as well as the practice. These measures of reform are necessarily and intimately connected with each other, inasmuch as a well digested code of laws will greatly facilitate the establishment of a good system of practice. By the appointment of these commissioners at an early day, you will have their aid, as far as you progress at this session, in changing our present system of local legislation.

It is of the utmost importance, however, that the persons to be charged with these duties should be carefully selected, for the benefits anticipated from the great reforms herein provided for by the framers of the Constitution, will depend greatly on the manner in which the duties of the commission are executed. They should be men practically and thoroughly acquainted with the workings of our present system of practice and laws, that knowing its defects they may know where and how to apply the proper remedies. They should be working men, for the task before them will be one of no common magnitude, and it cannot be successfully accomplished without great and persevering labor. They should also be men skillful and prudent, for while the proposed reforms are greatly needed, and many great and important changes may be advantageously made, great care should be taken lest, in sweeping away our existing system of legislation, some of the rights and privileges of our citizens may be injured or left unprotected.

I would also suggest, that while care is taken in the selection of men who will not unnecessarily protract their employment, it should not be expected of them to complete their labors in an imperfect or hasty manner. It is much more important that their work should be satisfactory when done, than that it should be finished a few months sooner or later.

It should also be borne in mind that the great bulk of our existing laws have been passed from time to time, or have been adopted from the common law to suit the real or imaginary wants and necessities of our citizens, and that radical changes, even when calculated to be ultimately beneficial, should not be too suddenly and violently made. All laws to be effectual, must be sustained by public opinion, which is the growth of time, especially in a community like ours, made up from the people of the various States of the Union and from various countries, who have brought with them views and partialities in relation to the municipal laws, formed from the various peculiar systems under which they have been raised. I would, therefore, suggest, that in adopting a new system of laws for their future government, sufficient time should be given before the taking effect of such laws, to enable the people to understand them, and to adapt their conduct and business to them, so that they may be prepared to support and sustain them when put into operation.

That portion of the duties of the commission which is imperative-ly required by the Constitution, namely, the revision of the practice of the courts, will necessarily occupy their time for a considerable period, and it may be worthy of your consideration, whether the revision of the statute laws may not be advantageously expedited, by authorizing them to receive voluntary contributions towards the revision of any particular branches or chapters of those laws. By this means the best legal attainments of the State, and perhaps out of it, might be enlisted in the work of making a good code, especially if it was understood that credit would be given to the authors of such contributions as should be thought worthy of adoption, together with such compensation as the Legislature adopting them should think proper to bestow. The contributions thus offered might be laid before the Legislature, which would be enabled to compare the works of a variety of different persons, and would not be under the necessity of depending wholly on those of the commissioners.

In pursuance of law, I attended the commencement exercises of the State University at Bloomington, in August last. This Institution, then under the immediate control of the late distinguished President, Rev. Andrew Wylie, and an able corps of Professors, I found admirably conducted, and in a flourishing condition. The wholesome rules are strictly enforced: the system of instruction is of the most permanent and thorough character. It is understood that application will be made to the Legislature, by the Board of Trustees, for new powers, in order to enlarge its capacity for future

usefulness. The high character of the gentlemen composing that Board, and others interested in its management, is a sure guaranty that you will give them a favorable hearing.

Little did I then think, it would be my melancholy duty to record the death of the late President Wylie! This event, which has so suddenly deprived a family of its honored and beloved head; a church, of one of her most talented ministers; our State, of one of its brightest ornaments, and the University of its learned President, took place on the 11th day of November, 1851, at his late residence! Truly, a great and good man has fallen. The question forces itself unbidden upon us, which way shall we turn, to whom shall we look to repair the loss the University has so lately sustained? As an Educator, in the opinion of those who knew him best, the late President stood unrivalled. A residence among us of more than twenty years, most laboriously spent in the cause of education, had secured for him a reputation, to attain which, might be well considered enough to satisfy the aspirations of the most ambitious of men. May his mantle descend upon some one worthy to bear it!

The other Institutions of the State, under the charge of different denominations, are alike prosperous. No State in the Union, of our population and age, has so many flourishing male and female Colleges, Medical and Law Schools, and other Seminaries of Learning. According to the Census of 1850, we have eighty-three in number, and in attendance, five thousand two hundred and ninety pupils.

This is the most favorable view of the question. The same census shows, that we have seventy-five thousand and seventeen, over the age of twenty years, that cannot read and write. This number, believed by many to be more than we really have, has been greatly enlarged, at a distance, in the public journals.

In our zeal to advance the cause of sound learning, we have neglected to throw our energies and means in the right direction. Whilst we have been building up colleges and academies, have we not forgotten and neglected the great schools of learning, Common, District, and Union schools?

There is a diversity of sentiment on this subject,—yet, it seems to me that your duty is a plain one. It is made your solemn duty, by the Constitution adopted with such unanimity, and which you have solemnly sworn to support, “To encourage, by all suitable means, moral, intellectual, scientific, and agricultural improvement; and to provide by law, FOR A GENERAL SYSTEM OF COMMON SCHOOLS, wherein tuition shall be without charge, and equally free to all.”

Your officers of State have taken great pains to ascertain the condition of the School Fund of the State, which can be properly devoted to the support of common schools. Circulars have been issued to the county auditors, who have generously furnished the required information. From these returns, and other information received, the School Fund is believed to be as follows, to-wit:

Estimated value of County Seminaries and Seminary Funds.....	\$100,000 60
Amount of Congressional Township Fund, reported and estimated.....	1,514,853 45
Surplus Revenue fund.....	552,529 92
Bank Tax Fund on loan from State Treasury.....	10,059 85
Bank Tax Fund on hand in State Treasury .....	4 274 61
Bank Tax Fund distributed to Counties.....	42,634 58
Saline Fund on loan.....	22,469 11
Saline Fund on hand.....	1,744 87
Saline Fund distributed to Counties.....	37,056 07
Common School Fund in State Treasury, from Bank Profits, exclusive of interest.....	706,784 62
Sinking Fund on Mortgage to Nov. 4, 1851.....	421,872 28
Estimated value of School Lands unsold.....	250,000 00
Estimated value of 1,225,000 acres of Swamp Lands.....	1,000,000 00
Total.....	\$4,664,279 36

This estimate shows a productive Common School Fund of over four and a half millions of dollars—a fund larger, it is believed, in proportion to our population, than that of any other State in the Union, with a single exception. In addition to this sum, the fund will be constantly augmented by the receipt of fines and forfeitures, and the profits of the Sinking Fund.

It becomes your duty to husband this fund in such a manner, and so diffuse its benefits, as to provide for the education of the youth of every county, township, and district. The fund is for the common benefit of the *children of the State*.

Your Constitution provides, that “the principal of the Common School Fund shall remain a perpetual fund, which may be increased, but never diminished, and the income thereof shall be inviolably appropriated to the support of common schools, and to no other purposes whatever.”

The seeming conflict between the act of the Legislature, of February last, and the new Constitution, on the subject of the appropriation of the proceeds of the Swamp Lands, may be avoided by investing them in the Bonds of the State.

We have had experience, in Indiana, on the subject of loans, on long credits. Debts, bonds, obligations, whether by States or individuals, are weights upon the industry and prosperity of any people. Extended credits to individuals by mortgages on land, are well calculated to depress the energies of the borrower, and, from our own knowledge, in too many instances, are followed by sales, forfeitures, costs and penalties, with the services of a host of officers.

The propriety of investing all the funds now belonging to the School Fund, as far as practicable under existing laws, in the stocks of the State, is worthy of your deliberate consideration.

You will thereby make so much of your debt a domestic debt, the annual income being fixed and reliable.

The more we connect the education of our children with the integrity, honor, and character of the State, the surer we shall be to keep the same inviolate.

This exhibit of the Common School Fund is not only gratifying to every citizen of the State, but it furnishes conclusive evidence of the wisdom of that provision of the Constitution that provides for



the election of a State Superintendent of Public Instruction. Much will depend upon the character of this officer, the compensation you shall provide for him, the duties you shall impose. The first requisite is to have a head to the system, to select a Superintendent who will not only with fidelity discharge the duties devolving upon him, but who will devote his whole time with energy to the work, who will travel, examine, investigate, go into every school district, and make himself acquainted with the true condition of things, and report them to the Legislature as they exist, and who, to a thorough knowledge of his business, will bring a spirit of the utmost devotion to the cause.

The organization of this department of education, defining its powers and duties, will require your calm deliberation and judgment. No more important duty is required at your hands. The care and protection of the various school funds, their consolidation into a common fund for the benefit of every child in the State, are subjects of no minor interest. But most of all, it is your duty to provide for condensing and simplifying the entire common school law for distribution in every district in the State, divesting it of all useless machinery, and bringing it within the capacity and understanding of the humblest citizen of the school district.

I recommend that you require each county auditor to keep a record, in which shall be entered a list of the fines assessed by the Circuit courts, Justices' courts, forfeited recognizances, &c., against whom, what for, the amount thereof, collected or not, and allow a compensation to the attorney for the State, by a per centum, to insure the collections. This book would be open to the inspection of every citizen of the county, in which could be seen what disposition had been made of every judgment, the amount remitted by your Governor, &c.

During the past summer, I paid a visit to the lower Ohio, and spent a day in examining the large cotton mill at Cannelton, in the county of Perry. This factory contains 10,800 spindles, and 370 looms, and is pronounced what, to my unpracticed eye, it seems to be, a most perfect establishment. The concern, with its appurtenant boarding-houses, offices, shops, &c., has been erected at a cost of near \$400,000, and employs near four hundred hands. It is the first movement made in Indiana, toward manufacturing on a large scale, and deserves the encouragement and good will of the entire State. The town is situated near the upper edge of the great coal field, and by its contiguity to the cotton fields, its cheap fuel, and cheap food, is likely to be a manufacturing point of great future importance. In various parts of the State, the people are turning their attention to manufactures, relying on our natural advantages rather than upon any government aid for success. Most fortunately for Indiana, she contains, within her own borders, all the elements which are needful to stimulate this branch of industry. She has 7000 square miles of territory within the great "Illinois coal field," which is marked one

side by the Ohio, and on another by the Wabash River. Within that area, large beds of iron have been found, equal in quantity and quality to any in the country—the Vermillion and Greene county furnaces being now in full and successful operation. Lately iron ore of a fine quality and in great abundance has been found in the county of Perry, near Leopold. In other portions, there are indications that lead and other minerals exist. I refer to these things to show that at no distant day, that part of the State which lies within the coal region, will constitute our great manufacturing district, and that it is the duty of the Legislature to aid in developing its capacities.

I know of no other mode so effectual of rendering this aid, as to provide for a thorough geological and topographical survey of the State. So far from changing the views I expressed on this subject in my last annual message, I am more and more satisfied that no measure within your constitutional power to adopt, could contribute so much to the advancement of the State, in population and wealth,—we want more capital—we want manufacturing skill and labor—we can only invite these among us by exploring and laying bare our manufacturing resources. This can be done only by the hand of science. It will not do to make investments upon mere conjecture: we must have full and reliable information of the nature and extent of our mines, before we can expect foreign capital to open them. A full, thorough survey of the State will exhibit, at a glance, the character of our soils, our coal, our iron, salt, timber, marble, stone quarries, water power, &c., &c., and the people of the State are everywhere alike interested in the measure. The more manufacturing capital there is introduced, the lighter will be the burthens of each individual, the more the taxable wealth of the State. It will lead to a division of labor, so indispensable to the agricultural, and so important to all interests. In our expansive territory, now reaching from ocean to ocean, the States will be thrown more and more upon their individual resources; State legislation will rise in dignity, and the ambition of the wise and good man will be not so much to participate in our national affairs, as to aid in aggrandizing his State. Our geographical position is now commanding, and such it must ever be. Whatever betides the country, we cannot change our commercial and social attitude in this Republic, as a central State, over whose territory the car of commerce must, in all future time, pass. No Indianian can be insensible to our future policy and glory as a State. To attain our true position, however, we must lay open our mines, and clear away the rubbish which hides our wealth from the keen and eager eye of enterprise.

I recommend that you take prompt steps for the commencement of a thorough geological and topographical survey of the State, and that you likewise connect with the present duties of the Auditor or Secretary of State, a Bureau of Statistics.

In connection with these subjects, you are invited to the propriety of calling the attention of our Senators and Representatives in Con-

gress to the bill introduced by a distinguished Senator of Illinois. This bill proposes to give to each of the States in which are government lands, a township of land for each land office district, to be appropriated, under the State authorities, for the purpose of making a full geological and topographical survey of the State. The General Government has about two millions of acres of land in our State. This would give us about one hundred and forty thousand acres. It would be sound policy on the part of the government to make the donation.

The act of last session, entitled "an act for the encouragement of agriculture," approved February 14th, has had a most healthy influence. About thirty county agricultural societies have been organized. Meetings, addresses, and fairs have been held in several of those counties. The proper spirit is aroused among our people. The farmers and mechanics of the country want the benefit of each others' experience and knowledge. The trials, tests, and experiments that are elicited by county and State agricultural fairs, are well calculated to bring forth all these. The State Board will be able to lay before you, during the session, a very interesting report. By publishing a sufficient number of these reports, you may aid the county societies to enlarge their list of premiums, by making a copy of the report of the State Board a part of the premiums awarded; and a number will be desirable to exchange with other States, that we may be able to have copies of the reports of our sister States in exchange therefor, to give as premiums at the contemplated State fair. In this way we may be able to communicate the knowledge of each State and county fair over every county in the State.

I recommend that you make a liberal annual appropriation to the State Board of Agriculture.

The 13th article of the Constitution, prohibiting negroes and mulattoes from coming into or settling within the State, was adopted by ninety-one thousand nine hundred and fifty-five majority of our people, at the ballot-box. It is your positive duty to pass efficient and prompt laws to carry out this provision of the Constitution. This measure, adopted with such unanimity, was called for, independent of other considerations, by the policy pursued by some of our sister States.

In connection with this question, you are again earnestly invited to the subject of colonizing the blacks now among us. It is very desirable that the subject of colonization should receive the attention and encouragement of the General and State governments—that they will co-operate with the aid of the good and benevolent of the country, and with their united efforts in this great work, effect a gradual but final separation of the two races, restore the black man to the land of his fathers, benefit his condition, and remove from us this great source of evil.

The cause of colonization is advancing, and it is incumbent upon

Indiana to extend to it her influence and contributions, however limited the means at her disposal.

You are invited to the many valuable suggestions contained in the reports of the Trustees and Superintendents of our benevolent Institutions.

In addition to the views submitted in my last communication on the subject of these Institutions, to which you are referred, I suggest the propriety of placing the appropriations made to sustain them, under the head of *the ordinary expenses of the State*, estimates to be made annually, and the appropriations made direct by you to each of the three Institutions. By so doing, you will relieve the county and State officers from much labor in calculating the fractional levies heretofore made. But above all this, the appropriations will be direct upon estimates examined by the representatives of the people, exhibiting every dollar appropriated, and for what purpose. While the people are ready, with liberal hand, to sustain these Institutions, justly regarding them as the pride and honor of the State, they still demand that all expenditures should be made with economy, and the accounting officers be held to a strict accountability. A departure from this principle will most assuredly lead to extravagance.

The State will become vested, in January, 1853, with an interest in the Madison and Indianapolis Railroad, the value of which will be contingent upon the future earnings of the work. A proposition was made at the last session of the General Assembly, by the company to purchase the interest of the State. It may be renewed at the present session. The experience of other States has demonstrated that all connexion between the State and corporations, in the construction and maintenance of public works, is unprofitable, and invariably results disastrously to the State.

The railroad interest is becoming a large and vastly extended one within our borders. The retaining of an interest by the State in any one work, is calculated to excite jealousy on the part of other companies, if indeed it does not actually induce in legislators and other public authorities, a species of favoritism that should not exist.

The letter of the new Constitution positively debars the State from forming such connexions hereafter; and its spirit equally requires, in my judgment, that, where they now exist, these partnerships should be dissolved, whenever this can be done consistently with the terms of the contract, and the interest of the parties.

The stock of this road has heretofore been a very profitable one, and may continue so.

It may be mentioned in this connexion, that during the past year, it is said the company has made all the permanent improvements, by the issue of bonds, consequently an imposition of a large debt upon the road, affecting the interest of the State equally with that of the stockholders. The State has no power to prevent this, has no effective control in the management of the road, in the payment of salaries to officers, &c.

Without entering into details, but denying the right claimed by the company, to purchase the road by sections, thereby diminishing the rights of the State for a comparatively small amount, I recommend a sale of the interest of the State upon such terms as the Legislature shall consider just, fair and equitable. The sooner the State is entirely free from all public works, the better it will be for all parties.

The Wabash and Erie Canal, under the management of the Trustees, has progressed steadily and satisfactorily towards its final completion. It has been navigable during the season just passed as far south as the crossing of the west fork of White River, in Greene county, 281 miles from the State line, and 365 miles from Toledo.

Early in the ensuing season it is expected that 27 miles will be added to this navigation, extending it to Maysville, in Daviess county. From that point to Evansville, 71 miles, which is much the most expensive portion of the work, the labor of constructing the canal is nearly two-thirds performed, and the balance is to be accomplished by the first of November next, according to the terms of the contracts. The opening of the canal from the Ohio river into the heart of the White River country, a district enjoying heretofore no better navigation than that afforded by these rivers, will give an impulse to the agricultural and manufacturing interests of that section of the State highly favorable to its future advancement and wealth. The increasing sales of the canal lands in the Vincennes District, afford evidence that the advantages of this great work are beginning to be appreciated.

The tolls received during the year ending November 1st, amount to \$179,282 76, exceeding the receipts of last year by the sum of \$22,124 38.

Major John S. Simonson has furnished the State a full and perfect roll of the names of the men who enlisted in Indiana, belonging to the Regiment of Mounted Riflemen, and served in 1846, numbering 260; also the rank of each, where born, when enlisted, under whom, period of service, remarks, &c. He is entitled to your thanks. I recommend that an appropriation be made sufficient to cover the expense of obtaining a large Record book, in which should be recorded the names of all who were engaged in the war with Mexico, from Indiana, their ages, rank, birth, enlistment, period of service, &c. This record to be deposited in the State Library.

Since the adoption of the new Constitution, various complicated questions arising under it, have been presented to the officers of State for their consideration. These questions relate mainly to the right of certain persons elected previously to the adoption of the constitution, to hold two offices, to the question whether certain offices are continued over, or abolished, to the approval of official bonds taken from those appointed to office to fill vacancies. Upon these and similar points, your officers have not failed to give their opinion; yet some of the questions presented are not free from

doubt. These require your consideration, and appropriate and definite legislative enactments.

The field-notes, maps, and all other papers pertaining to the survey of the entire lands in this State, have been received from the general government; but in a condition not to be useful, except a key or index be prepared for that purpose. I recommend that an appropriation be made for the purpose of having such key or index provided, to the original field-notes of every *section line, private land claim, Indian grant, and Township Maps, &c., &c.*, in the whole State.

The power to appoint Notaries Public, is now given by law to the Executive. The propriety of requiring the certificate of the Circuit Judge of the Circuit, as to the qualifications of the applicant, the necessity and propriety of the appointment, is worthy of your consideration. This rule is adopted in many of the States.

The highest number in the State Prison the past year, was one hundred and ninety-two. The number pardoned, sixteen. For further details your attention is invited to the able and interesting Reports of the Visitor and Warden of the Prison.

Time has confirmed me in the correctness of the views expressed at the last session, on the subject of giving discretionary power to the courts in the punishment of convicts for Larcenies. Of the one hundred and ninety-two convicts in the State Prison, one hundred and fifteen of them have been convicted for Larceny. You are respectfully referred to my former Message as to the propriety of changing the criminal law in these cases, as well as to the policy of establishing Houses of Refuge and Work Shops in counties or districts, for the punishment and reformation of juvenile offenders. This duty is now positively enjoined upon you by the Constitution.

The Constitution makes it your duty to prescribe regulations and rules for the exercise of the pardoning power. I recommend you to require notice in all applications, and in those made for the remission of fines and forfeitures, the opinion of the county officers, at least those who represent the school fund of the county.

Your attention is invited to the subject of the interest the State has in the Three Per Cent. Fund, arising from the sales of the public lands within the State. For several years the State has received nothing from this source;—a large amount has accumulated in the National Treasury. The General Government being the holder of certain of our State bonds, as trustees for certain Indian tribes, has claimed the right to appropriate our three per cent. fund towards the interest on these bonds, thereby withholding the same from us. The propriety of this course may well be doubted. It has also been suggested that errors have occurred in the estimates of the fund from time to time, which it would be to the interest of the State to have closely examined. Two years ago a Joint Resolution of the General Assembly was passed, authorizing our Senators to attend to this matter and report their action to the next Legislature. Our Senators, at the commencement of the last session, reported that nothing

could be effected without the action of Congress upon this subject. Since that time, no further progress has been made towards any arrangement so far as the officers of State are advised.

I suggest the propriety of passing a joint resolution, making it the duty of some one of the Executive officers to make a full investigation of this fund, at the treasury—procure, if possible, the amount due us, and, if it is thought advisable, to enter into negotiations with the Government, in reference to the bonds they hold against us. Your early attention to this subject may enable me to lay the result of this investigation before you at your present session, that thereby you may take some definite action thereon.

It is your duty to lay off the State into eleven Congressional Districts, also not less than three, nor more than five Supreme Judicial Districts, and also such number of Circuit Judicial Districts as you may deem expedient, in such manner as shall be just and right towards the citizens of every part of the State.

The State should provide suitable buildings for all her officers, as near together as possible. The Capitol building should be alone used for the Representatives of the people, and the State Library. The Governor's and Treasurer's houses, with other property owned by the State, might be sold. The proceeds of this property, with the aid that the General Government will doubtless furnish, will be sufficient to erect a good substantial building on the Governor's Circle, that would accommodate all the officers of the National and State Governments, without any tax upon the treasury. It would be sound policy to adopt this course.

I would direct your attention to the propriety of establishing the office of Attorney General. For the want of such an officer it has been frequently found necessary to employ counsel for the State at great expense. The sums paid for such services, added to the losses which have been sustained by the want of legal skill in cases where the State has been a party to legal proceedings, must have, within the last fifteen years, exceeded the highest sum paid for the compensation of an Attorney General in many of the other States. If there was heretofore a necessity for such an officer, there will be hereafter a still greater one, as, under an entire new system of legislation, it must be expected that new questions of law will constantly arise. Such an officer would be of great assistance to the various executive officers and his appointment would be justified on the ground of economy as well as that of necessity.

The nominal sum paid to my immediate predecessor for the Georgia lands, has not been paid into the Treasury. Suit is now pending for the same.

The patent from the General Government has not been received for the swamp lands. It is daily expected. Your attention will be called to this subject by special communication during the session.

The report of the Agent of State furnishes a correct statement of

our public debt, and the operations of his agency, to which your attention is invited.

Senators and Representatives, assembled as you are, and constituting the first organization of the law-making power under the new Constitution, your responsibilities are great, and your duties arduous and difficult. There is much for you to do. It is impossible for me, in this communication, to call your attention to the various subjects that require your deliberate consideration and action. If you shall be able to make our Common School Fund secure and permanent, and to establish a system of public instruction adapted to the wants of our people; a system which shall annually and equitably dispense its benefits to every child in Indiana, and which shall be designed to open a union and free school in every two-mile-square district in the State; in which schools, children of every rank and condition, rich and poor, shall meet upon common ground, and shall be taught by the same class of books, and by competent instructors: And if, in addition to this, you shall also be able to devise and establish a Sinking Fund System that shall annually reduce the public debt, and thereby gradually lessen, and finally extinguish that burden; when you shall have accomplished these objects, you may with joy return to your constituents, bearing with you your own approbation, and that of all good men. And be assured, gentlemen, that it will give me great pleasure to co-operate, zealously, with you in promoting these, and all other measures that are calculated to advance the peace, prosperity, and happiness of our common constituents, and of our common country.

Throughout the past year, peace and harmony between the various sections of the Union, have been gradually and firmly established. The great disturbing questions which for a time threatened results, the ultimate issue of which no man could foresee, have been put to rest, and with it the heart-burnings and sectional recriminations which it brought in its train. Our present tranquility is the best evidence of the wisdom and prudence of the measures of adjustment adopted by the last Congress.

The high conservative ground maintained by our State, is shown in the fact that we support no man who favors agitation. Our people want peace, and they esteem no sacrifice, short of that of principle, too great to secure it.

Indiana holds him an enemy to the well being of this Republic, who pursues any course tending to widen the breach between the North and the South. Minor questions sink into insignificance compared to the great paramount duty of every American citizen, the preservation of the integrity of the Union.

Each and all of the laws constituting that compromise which has been as oil cast upon the troubled waters, are assented to, and have been carried out, so far as they apply to us, in word and letter, according to the strictest judicial construction, by the citizens of our State. This has been done cordially and with as near an approach



to hearty unanimity, as any measure enacted to reconcile similar sectional differences, can ever be expected to receive.

Indiana desires to see the compromises made under the Constitution, and expressly framed to carry into effect its provisions, remain undisturbed. She says to the south as well as to the north, that these measures must stand—that this sectional controversy must not again be opened up—that time as an element which enters into every thing that is valuable, must test their wisdom and efficacy—that from whatever quarter of the Union efforts shall be made to revive this sectional agitation, Indiana is against it.

She favors not, nor will she by her votes countenance those who favor, the opening afresh, in any manner, under any pretence, the questions so recently and so happily disposed of, let us hope forever. Our duty is plain, *abide by the past, sustain the measures faithfully, cease agitation and trust for the future to the intelligence and patriotism of the people, under the guidance of Providence.*

JOSEPH A. WRIGHT.

December 2d, 1851.

On motion by Mr. Buskirk,

The message of the Governor was referred to the committee of the whole House, and made the special order of the day for Monday next.

Mr. Hanna moved that ten thousand copies of the Governor's Message be printed.

Mr. Owen moved to amend by adding

“And that five hundred copies be furnished to the Governor, to be put up in such manner as he shall direct.”

Which was accepted by the mover.

Mr. Smith of Marion moved to amend by adding,

“And that 4000 additional copies be printed in the German language.”

Which motion prevailed.

The proposition as amended was then agreed to.

On motion by Mr. Spencer,

*Resolved*, That the Clerks of this House be and they are hereby authorized to employ a sufficient number of assistants to insure a prompt execution of all necessary labor connected with their duties.

Mr. Graham offered the following resolution:

*Resolved*, That the Door-keeper of this House be allowed to em-

ploy as many assistants as he may think necessary to facilitate the business of the House.

Which was not adopted.

On motion by Mr. Gibson,  
The House adjourned to meet at 2 o'clock, P. M.

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2 o'clock, P. M.

The House met.

Mr. Barker offered the following resolution:

*Resolved*, That the House will, the Senate concurring therein, go into the election of Agent of State on to-morrow morning at 10 o'clock.

On motion by Mr. Manson,  
The resolution was laid on the table.  
Mr. Williams offered the following resolution:

*Resolved*, That the Door-keeper be authorized to employ five assistant Door-keepers at a rate not exceeding two dollars per day.

On motion by Mr. Humphreys,  
The resolution was laid on the table.  
On motion by Mr. Manson,

*Resolved*, The Senate concurring, that the two Houses meet in joint convention on Thursday, at three o'clock, and proceed to an election of Agent of State.

On motion,

Leave was granted, and Mr. Smith of Marion introduced bill No. 1. A bill to provide for the election of Commissioners to revise, simplify and abridge the rules, practice, pleadings, and forms of courts of justice, and defining their duties, fixing their compensation, and regulating their tenure of office.

Which was read a first time and passed to a second reading.

Mr. Buskirk presented a communication,  
Which,

On motion of Mr. English,  
Was laid upon the table.

Mr. English, from a select committee, made the following report :

**MR. SPEAKER :**

The select committee to which was referred the subject of subscribing for the newspapers of this city, have had the same under consideration, and have directed me to report the following resolution :

*Resolved*, That the Principal Clerk be authorized and directed to contract for the following newspapers for the use of the members of this House and their constituents, provided the same can be procured on the terms hereinafter stated, viz: Three copies to each member of the Daily State Sentinel, at three cents each; three copies to each member, of the Daily State Journal, three cents each; three copies of the Weekly Statesman to each member, five cents each; three copies to each member of the Weekly Volks Blatt, five cents each; and three copies of the Locomotive, three cents each—a wrapper and postage stamps to accompany each paper and without any additional charge to the State.

Which report was concurred in and the resolution adopted.

On motion by Mr. Gibson,

The House adjourned to meet to-morrow morning at 9 o'clock.

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WEDNESDAY MORNING, 9 o'clock, }  
December 3, 1851.

The House met.

The Journal of the preceding day was read and adopted.

The Speaker announced the following standing committees :

## STANDING COMMITTEES.

### ON ELECTIONS.

Messrs. Donaldson, Bulla, Struble, Marrs, Donham, Crim and Beane.

## ON WAYS AND MEANS.

Messrs. Buskirk, Hunt, Nelson, Lewis, Torbet, Geddes and Lindsey of Howard.

## ON THE JUDICIARY.

Messrs. Holman, Gibson, Stanfield, Stuart, Gookins, Beach and Belim.

## ON EDUCATION.

Messrs. Owen, Bryant, Mudget, King, Davis of Franklin, Chowning and Glazebrook.

## ON BANKS.

Messrs. Spencer, English, Helmer, Carpenter, Litchfield, Hudson and McConnell.

## ON MILITARY AFFAIRS.

Messrs. Schoonover, Hanna, Smith of Spencer, Manson, Stevens, Cromwell and Wilson.

## ON THE AFFAIRS OF THE STATE PRISON.

Messrs. Gibson, Lindsey of Fayette, Goudy, Gunn, Ray, Hays of White, and Walker.

## ON THE AFFAIRS OF THE TOWN OF INDIANAPOLIS.

Messrs. Brady, Graham, Douthit, Eccles, Porter, Scudder and Shanklin.

## ON CLAIMS.

Messrs. Dobson, Cockrum, Henry, Cowgill, Crawford, Mayfield and Hart.

## ON ROADS.

Messrs. Huffstetter, Watson, Foster, Lawrence, Withers, Hicks and Huey.

## ON CANALS AND INTERNAL IMPROVEMENTS.

Messrs. Miller, Williams, Suit, Laverty, Doughty, Sweet and Reynolds.

## ON AGRICULTURE.

Messrs. McAllister, Thompson, Nelson, Ray, Bulla, Wells, and Hays of White.

## ON CORPORATIONS.

Messrs. Leviston, Kent, Sumner, Stover, McDowell, Stanfield and Helmer.

## ON ENROLLED BILLS.

Messrs. Smith of Marion, Reynolds, Harrison, Holliday of Blackford, Huey, Behm and McConnell.

## ON ENGROSSED BILLS.

Messrs. Suit, Dice, Davis of Franklin, Morris, Cockrum, Scudder and Wilson.

## ON PUBLIC EXPENDITURES.

Messrs. Humphreys, Hostetter, Holliday of Parke, Staten, Graham, Cowgill and Mudget.

## ON BENEVOLENT AND SCIENTIFIC INSTITUTIONS.

Messrs. Lewis, Hay, Kent, Beeson, Morris, Hunt and Major.

## ON MANUFACTURES AND COMMERCE.

Messrs. McDonald, Barker, Doughty, Mayfield, Foster, McDowell and Lindsay of Howard.

## ON THE RIGHTS AND PRIVILEGES OF THE INHABITANTS OF THE STATE.

Messrs. Bryant, Owen, Glazebrook, Taggart, English, Shanklin and Lawrence.

## ON THE ORGANIZATION OF COURTS OF JUSTICE.

Messrs. Stuart, Beach, Gookins, Spencer, Gunn, Henry and Dobson.

## JOINT STANDING COMMITTEES.

## ON PUBLIC BUILDINGS.

Messrs. Huffstetter, Goudy and Manson.

## ON THE CANAL FUND.

Messrs. Carpenter, Hanna and Hudson.

## ON THE STATE LIBRARY.

Messrs. Harrison, King, and Smith of Marion.

The Speaker announced the following order of business to be observed by the House during its present session, unless changed by an order of the same :

## ORDER OF BUSINESS.

- I. Reading of Journal.
- II. Petitions, Memorials, and Remonstrances.
- III. Reports from Standing Committees.
  1. On Elections.
  2. On Ways and Means.
  3. On the Judiciary.
  4. On Education.
  5. On Military Affairs.
  6. On the Affairs of the State Prison.
  7. On the Affairs of the Town of Indianapolis.
  8. On Claims.
  9. On Roads.
  10. On Canals and Internal Improvements.
  11. On Agriculture.
  12. On Corporations.

13. On Banks.
14. On Public Expenditures.
15. On Benevolent and Scientific Institutions.
16. On Manufactures and Commerce.
17. On the Rights and Privileges of the Inhabitants of this State.
18. On the Organization of Courts of Justice.

IV. Reports from Joint Standing Committees.

1. On Public Buildings.
2. On the Canal Fund.
3. On the State Library.

V. Reports from Select Committees.

VI. Resolutions of the House.

VII. Joint Resolutions.

VIII. Introduction of Bills.

IX. Orders of the Day.

On motion by Mr. Manson,

Two hundred copies of the Standing Committees and two hundred copies of the Order of Business were ordered to be printed for the use of the House.

The Speaker laid before the House the following communication :

INDIANAPOLIS, Dec. 3, 1851.

HON. J. W. DAVIS—

*Speaker of the House of Representatives:—*

SIR: In compliance with a Resolution adopted by the House on yesterday in regard to the taking of the newspapers of the city, I have called upon the several proprietors of the papers mentioned in said Resolution, and have contracted with said proprietors upon the terms authorized by said Resolution.

Very respectfully,

Your obedient servant,

GEO. L. SITES,  
*Principal Clerk.*

The Speaker laid before the House the following communication and the report referred to therein :

OFFICE OF STATE LIBRARIAN, }  
INDIANAPOLIS, Dec. 2, 1851. }

HON. J. W. DAVIS—

*Speaker of the House of Representatives :—*

SIR: Please lay the inclosed Report of the State Librarian before the honorable body over which you preside.

Yours Respectfully,

N. BOLTON,  
*State Librarian.*

The report was laid upon the table.

The Speaker laid before the House Reports from the following Branches of the State Bank of Indiana, viz :

The Branch at Bedford;  
The Branch at South Bend;  
The Branch at Michigan City;  
The Branch at Madison;  
The Branch at New Albany; and  
The Branch at Terre Haute:

Which,

On motion,

Were referred to the Committee on Banks.

A message from the Senate by Mr. Dunn their Secretary.

MR. SPEAKER :

I am instructed by the Senate to inform the House of Representatives that they have passed the following Bill No. 1, entitled "A bill to allow Joseph A. Messick compensation for preparing and fitting up the Senate Chamber," in which the concurrence of the House is respectfully requested.

The bill contained in the above message was read a first time, and ordered to a second reading.

The Speaker laid before the House the Annual Report of the Agent of State;

On motion by Mr. Williams,

One thousand copies thereof were ordered to be placed upon the desks of the members.

Mr. Harrison presented the petition of David Hughart, Agent of Porter county, praying the power for the Board of County Commissioners to borrow money to discharge the debts of said county;



Which,

On motion,

Was referred to a select committee consisting of Messrs. Harrison, McDonald, and Donaldson.

The following message from the Senate, by Mr. Dunn, their Secretary, was taken up :

MR. SPEAKER :

I am instructed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution and respectfully request their concurrence :

*Resolved*, That the Senate will, the House concurring, go into the election of State agent to-morrow at 2 o'clock P. M.

Which resolution was concurred in.

Ordered, that the Clerk inform the Senate thereof.

Reports from select committees were called for.

Resolutions of the House were called for.

Mr. Schoonover moved to reconsider the vote adopting the resolution restricting the Door-keeper to three assistants ;

Which motion prevailed.

The question then being on the adoption of the resolution,

Mr. Schoonover moved to amend by striking out " three," and insert " as many as there were appointed last winter including the Sergeant-at-Arms ;"

Which was agreed to.

The resolution was then adopted.

Mr. Behm offered the following resolution :

*Resolved*, That the Committee on the Judiciary be, and they are hereby instructed to introduce a bill to abolish the office of Agent of State.

Mr. Humphreys moved to lay the resolution on the table.

The ayes and noes being demanded by Messrs. Behm and Graham,

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Bryant, Buskirk, Carpenter, Cowgill, Crawford, Crim, Cromwell, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Gibson, Glazebrook, Gookins, Hanna, Harrison, Hart, Hays of White, Helmer, Henry, Holman, Hostetter, Hudson, Huey, Hufsetter, Humphreys, Hunt, Kent, Lawrence, Lewis, Lindsey of Fayette, Major, Manson, Marrs,

Mayfield, McCallister, McConnell, McDonald, McDowell, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Spencer, Staton, Stover, Struble, Sweet, Taggart, Torbet, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—71.

*Those who voted in the negative were,*

Messrs. Behm, Brady, Bulla, Chowning, Cockrum, Davis, Geddes, Goudy, Graham, Gunn, Hay of Clark, Hicks, Holladay of Parke, Holliday of Blackford, King, Laverty, Leviston, Lindsey of Howard, Miller, Smith of Spencer, Stanfield, Stevens, Stuart, Suit, Sumner, Thompson, Walker—27.

So the resolution was laid upon the table.

On motion by Mr. Owen,

The annual report of the Superintendent of Common Schools was taken from the table and referred to the committee on Education.

On motion by Mr. Smith of Marion,

*Resolved*, That so much of the report of the State Librarian as relates to the repairs of the State House, be taken from the table and referred to the committee on Public Buildings.

On motion by Mr. Buskirk,

The annual report of the Treasurer of State was taken from the table and referred to the committee on Ways and Means, and one thousand copies ordered to be printed for the use of the House.

#### ORDERS OF THE DAY.

#### *House Bills on Second Reading.*

No. 1. A bill to provide for the election of commissioners to revise, simplify, and abridge the rules, practice, pleadings, and forms of courts of justice, and defining their duties, fixing their compensation, and regulating their tenure of office,

Was read a second time, and,

On motion by Mr. Gibson,

Referred to the committee on the Judiciary.

On motion by Mr. Cockrum,

The credentials of the members elect from the several counties of this State, were referred to the committee on Elections.

On motion by Mr. Spencer,

The vote of yesterday making the Governor's Message the special order of the day for Monday next in committee of the whole House, was reconsidered.

The question then being, shall the message be made the special order for Monday next,

Mr. Spencer moved to amend the proposition by striking out "Monday," and inserting "Friday at two o'clock, P. M."

Which motion prevailed.

Mr. King moved to adjourn till two o'clock, P. M.

Which motion did not prevail.

Mr. Graham presented the petition of citizens of Knox county, praying for the annexation of certain territory of said county to the county of Pike.

Which,

On motion,

Was referred to a select committee, consisting of Messrs. Graham, Williams, Scudder, Cockrum, and Chowning.

Mr. Gookins offered the following resolution :

*Resolved*, That the committee on the Organization of Courts be instructed to enquire into the expediency of dividing the State into twenty Judicial circuits, and of transferring the duties now devolving upon the Probate courts to the Circuit courts, and of requiring three terms a year to be held.

Which was not adopted.

On motion by Mr. Stevens,

The House adjourned to meet at 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

On motion by Mr. Hanna,

*Resolved*, That the Senate be invited into the Hall of Representatives instanter, for the purpose of electing an Agent of State.

Ordered that the Clerk inform the Senate thereof.

The Senate came into the Hall of the House, when both Houses proceeded in joint convention, by a viva voce vote, to the election of an Agent of State for the State of Indiana, to fill the vacancy which will occur by the expiration of the term of service of the present incumbent, Allen May.

*Those who voted for Allen May, were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Crawford, Davis, Dawson, Delevan, Dougherty, Eddy, Emerson, Goodman, Hanna, Hatfield, Henton, Hester, Hickman, Hicks, Holloway, Hunt, James, Kendall, Kinnard, Knowlton, Logan, Longshore, Marshall, McCarty, Mickle, Miller, Milliken, Niblack, Reid, Saffer, Secrest, Slack, Sleeth, Spann, Teegarden, Turman, Walker, Washburn, Winstandley, Witherow, and Woods—47 of the Senate.

And,

Messrs. Barker, Beach, Beane, Beeson, Brady, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Gibson, Glazebrook, Hanna, Hart, Hay of Clark, Hays of White, Henry, Holliday of Blackford, Holman, Hostetter, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stevens, Stover, Struble, Stuart, Sweet, Taggart, Torbet, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—77 of the House.

*Those who voted for George W. Carr, were,*

Mr. Dunn—1 of the Senate; and,

Messrs. Crim, Cromwell, Davis, Graham, Gunn, Helmer, Hicks, Holladay of Parke, Hudson, Scudder, Sumner, Thompson, and Walker—13 of the House.

*Those who voted for W. C. Wilson, were,*

Messrs. Behm, Goudy, Suit—3 of the House.

*Those who voted for Deming, were,*

Mr. Geddes—1 of the House.

Allen May having received a majority of all the votes given, was declared by the President of the Convention, duly elected Agent of State of the State of Indiana, to serve as such for the term of two years from and after the expiration of the term of service of the present incumbent.

The President then adjourned the Convention.

The Senate retired to their chamber.

On motion,

Leave was granted Mr. Gookins to introduce

No. 2. A bill to authorize the Clerks of the Circuit Courts to

take and approve the official bonds of Sheriffs, Coroners and County Auditors.

Which was read a first time, and passed to a second reading.

On motion by Mr. Gibson,

*Resolved*, That the committee on the Judiciary be directed to report at the earliest practicable period, a bill providing for the election, duties and compensation of a reporter of the Supreme Court.

On motion,

Leave was granted Mr. Torbet to introduce

No. 3. A bill to regulate the mode of proceeding against the White Water Valley Canal Company, and for failing to build, repair and keep up bridges.

Which was read a first time, and passed to a second reading.

The Speaker laid before the House the following communication and the report therein referred to :

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, Dec. 3, 1851. }

HON. J. W. DAVIS,

*Speaker* :—

SIR : Please lay before the House the annual Report from this Department, showing the receipts and disbursements for the fiscal year ending October 31, 1851,

And oblige,

Very respectfully, &c.,

E. W. H. ELLIS,

*Auditor of State.*

On motion by Mr. Buskirk,

The annual Report of the Auditor of State was referred to the Committee of Ways and Means, and five thousand copies thereof ordered to be placed upon the desks of the members of this House.

On motion,

Leave was granted Mr. Hudson to introduce

No. 4. A bill to extend jurisdiction of the writ of *Habeas Corpus* to Masters in Chancery ;

Which was read a first time and passed to a second reading.

Mr. Suit offered the following resolution :

*Resolved*, That the Committee on the Organization of Courts of Justice be instructed to inquire into the expediency of so changing our present Probate System as to give to the Circuit Courts exclusive jurisdiction in all cases where by law the two Courts have now concurrent jurisdiction ;

Which was not adopted.

Mr. Owen gave notice that, on to-morrow, he would introduce a bill to provide for the appointment of commissioners to revise and simplify the practice and pleadings of courts of justice, and to reduce into a systematic code the statute law of the State.

Mr. Beach offered the following resolution :

*Resolved*, That the Judiciary Committee be instructed to inquire into and report to this House the expediency of creating in each county in this State a Court of Common Pleas, giving them probate jurisdiction, and in civil actions, concurrent jurisdiction with the Circuit Courts.

Mr. Suit moved to amend by striking out "Judiciary," and inserting after the word "Committee" the words "on the Organization of Courts of Justice;"

Which amendment was accepted.

The resolution as amended was then adopted.

Mr. Holladay of Parke moved to reconsider the vote on rejecting the following resolution offered by Mr. Gookins, viz :

*Resolved*, That the Committee on the Organization of Courts be instructed to inquire into the expediency of dividing the State into twenty judicial circuits, and of transferring the duties now devolving upon the Probate Courts to the Circuit Courts and of requiring three terms a year to be held :

Which motion prevailed.

The question then being on the adoption of the resolution, was decided in the affirmative.

On motion by Mr. Brady,

*Resolved*, That the standing Committee on Elections, be directed to inquire into the expediency of passing a law providing for the election of Members of Congress from the State at the next October election, it being the first of the biennial elections under the new Constitution.

Mr. Smith of Marion moved to reconsider the vote on rejecting Mr. Suit's resolution, which is as follows :

*Resolved*, That the committee on the organization of courts of justice be instructed to inquire into the expediency of so changing our present probate system as to give to the circuit courts, exclusive jurisdiction in all cases where by law the two courts have now concurrent jurisdiction.

Which motion did not prevail.

On motion by Mr. Davis of Franklin,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of introducing the surrogate system instead of probate courts, as at present organized.

On motion by Mr. Spencer,

*Resolved*, That the committee on Roads and Canals be requested to report to this House at as early a day as practicable, a general road law.

Mr. Foster offered the following resolution :

*Resolved*, That the committee on courts of justice be requested to inquire into the propriety of creating circuit probate courts.

Which was not adopted, no quorum voting.

Mr. Smith of Marion then moved a call of the House.

Which motion did not prevail.

On motion by Mr. Beach,

The House adjourned to meet to-morrow morning, nine o'clock.

THURSDAY MORNING, 9 o'clock, }  
December 4, 1851. }

House met.

The Journal was read and adopted.

Petitions called for.

Mr. Carpenter laid before the House a report of the Branch of the State Bank, at Evansville.

Which,

On motion,

Was referred to the committee on Banks.

#### RESOLUTIONS OF THE HOUSE.

The question at the last adjournment being on the adoption of the following resolution :

*Resolved*, That the committee on Courts of Justice be requested to inquire into the propriety of creating circuit probate courts ;

Was decided in the affirmative.

On motion by Mr. Gibson,

*Resolved*, That the Judiciary Committee be instructed to report a bill at an early period, defining crimes and misdemeanors, and providing for the punishment thereof.

On motion by Mr. Bryant,

Leave of absence was granted Mr. Stevens.

On motion by Mr. Nelson,

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of so amending the probate law as to dispense with any administration on all estates where the real and personal property does not exceed three hundred dollars, which amount shall be bona fide property of the family, and shall be exempt from all debts of the testate or intestate. Of providing for a homestead exemption in such cases. Of providing for the collection of all debts due the estate without the benefit of appraisement. Of preventing claimants from swearing to their own accounts—and finally, of having estates settled within two years of the time letters of administration are issued, and the administrator to receive no compensation whatever for his services until the final settlement of the estate; except in cases particularly provided for.

On motion by Mr. Miller,

*Resolved*, That the Speaker of the House organize a standing committee, under the rules of the House, to be called the Committee on Swamp Lands, the members of which not to exceed seven in number.

Messrs. Miller, Williams, Sweet, McDonald, Marrs, Hicks, and Crawford, were appointed said committee.

On motion by Mr. Brady,

*Resolved*, That the standing committee on Roads be directed to collate and revise the road law, making such of the local and special laws general, and such other amendments thereto as in their judgment the general interest require, and report by bill at their earliest convenience.

On motion by Mr. Mudget,

*Resolved*, That a select committee of eleven be appointed to prepare and present to this House a bill to divide the State into Congressional districts.

Messrs. Mudget, Holladay of Parke, Barker, Stevens, Schoon-



over, Hart, Doughty, Smith of Marion, Donaldson, Humphreys, and Stover were appointed said committee.

Mr. Barker offered the following resolution :

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of abolishing the Grand Jury system.

Mr. Brady moved to amend the resolution by adding the words, "or modify."

Which motion prevailed.

The resolution as amended was adopted.

Mr. Gookins offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to report a bill providing for the election of three Commissioners, to revise, simplify and abridge the rules, practice, pleadings and forms of the courts of justice, making it the duty of said commissioners to reduce into a systematic code, the general statute law of the State.

Which,

On motion,

Was laid on the table.

On motion by Mr. Stover,

*Resolved*, That the committee on the Organization of Courts of Justice, be instructed to enquire into the expediency of so changing the present system of probate courts, that there shall be one *Probate Justice* in each county, who shall be his own clerk and keep his own records, and receive for his services, fees, similar to the fees now allowed to clerks of the circuit courts, for like services, and no other compensation ; and that said courts to be open at all times for the settlement of estates, and transaction of such business as may be brought before them, and that there be no terms to said courts, thereby avoiding all costs to estates on account of continuances from term to term.

On motion by Mr. Hicks,

*Resolved*, That the Speaker appoint a select committee of seven, to take charge of all matters pertaining to public printing.

Messrs. Hicks, Hay, Harrison, Beeson, Torbet, Struble, and Geddes, were appointed.

Mr. Doughty offered the following resolution :

*Resolved*, That the committee on Ways and Means be instructed

to inquire into the expediency of so changing the law regulating interest, so as to make ten per cent. lawful on contracts.

Which was not adopted.

On motion by Mr. Behm,

*Resolved*, That the committee on the Judiciary be authorized to employ a clerk whenever they shall deem the same necessary.

On motion of Mr. Buskirk,

*Resolved*, That the committee on Ways and Means be and they are hereby authorized to employ a clerk.

On motion by Mr. Stuart,

*Resolved*, That the committee on the Judiciary be instructed to inquire whether in the prosecution of that class of offences which do not amount to felony, some more efficient summary, and less expensive mode of procedure can be substituted instead of the grand jury; and report by bill or otherwise.

On motion by Mr. Douthit,

*Resolved*, That so much of the report of the State Librarian as refers to the affairs of the State Library, and the purchase of books, be referred to the committee on the State Library.

On motion by Mr. Beach,

*Resolved*, That the committee on the Organization of Courts of Justice be authorized to elect a clerk for said committee.

On motion by Mr. Hanna,

*Resolved*, That the committee on Education inquire into the expediency of dividing the Common School Fund among the several school districts in proportion to the amount of time sent to school in each.

Mr. Behm offered the following resolution:

*Resolved*, That the committee on Ways and Means be and they are hereby instructed to inquire into the expediency of introducing a bill to abolish poll taxes;

Which was not adopted.

On motion by Mr. Smith of Marion,

*Resolved*, That the committee on Manufactures and Commerce be requested to inquire into the expediency of a geological survey of the State ; and, if it be deemed of public utility and interest to the State, that they report a bill to effect that object.

On motion by Mr. Spencer,

*Resolved*, That the committee on the Judiciary report to this House the best mode of securing a thorough revision of the laws of this State.

Mr. King gave notice that he would, on to-morrow, introduce a joint resolution relative to American intervention abroad, and in reference to Louis Kossuth.

On motion by Mr. Holman,

*Resolved*, That the committee on Education be instructed to inquire whether the fund now held by the State resulting from the lands heretofore granted to the State by the United States for the use of a Seminary of Learning, cannot, consistent with the terms of the grant thereof, be applied to that Seminary of Learning under charge of the State commonly called the System of Common Schools, and if so, whether the educational interests of the State will not be advanced by such application.

On motion by Mr. Lewis,

*Resolved*, That the committee on the Organization of Courts of Justice be requested to inquire into the propriety of reporting a bill providing for the examination of lunatics who may desire admission into the Lunatic Asylum of the State.

#### ORDERS OF THE DAY.

#### *House Bills on Second Reading.*

No. 2. A bill to authorize the clerks of the Circuit Court to take and approve the official bonds of Sheriffs, Coroners, and County Recorders ;

Was read a second time,

On motion by Mr. Stanfield,

Was referred to the committee on the Judiciary.

No. 3. A bill to regulate the mode of proceeding against the White

Water Valley Company, and for failing to build, repair, and keep up bridges;

Was read a second time.

Mr. Humphreys moved to refer the bill to the Committee on Canals and Internal Improvements.

Mr. Torbet moved to amend the reference by adding the following:

“With instructions to report a general bill for the consideration of the House, embracing the subject matters specified in the bill referred.”

Which motion prevailed.

The question then being on referring the bill with the instructions;  
Was decided in the affirmative.

No. 4. A bill to extend jurisdiction of the writ of habeas corpus to masters in chancery,

Was read a second time,

When,

On motion by Mr. Humphreys,

The bill was referred to the committee on the Judiciary.

#### SENATE BILLS ON SECOND READING.

No. 1. A bill to allow Joseph A. Messick compensation for preparing and fitting up the Senate Chamber.

Was read a second time.

Mr. Dobson moved to refer the bill to the committee of Ways and Means.

Mr. Spencer moved to amend the reference by substituting the Judiciary Committee.

Which was accepted by the mover.

The question then being on referring to the Judiciary Committee,  
Was decided in the negative.

Mr. Dobson then moved to refer the bill to the committee on Ways and Means.

Mr. Smith of Marion moved to amend the reference by instructing the committee to include it in the specific appropriation bill.

Which was accepted by the mover.

The reference was then made.

The Speaker laid before the House the following communication, with the annual report of the Commissioners and Superintendent of the Indiana Hospital for the Insane, for the year 1851:

INDIANAPOLIS, Dec. 3d, 1851.

To the Hon. J. W. DAVIS,  
*Speaker of House of Representatives :*

SIR :—I herewith transmit the annual report of the Commissioners and Superintendent of the Indiana Hospital for the Insane, for the year 1851.

Very respectfully,  
 JAMES BLAKE,  
*President of the Board of Commissioners.*

On motion by Mr. Spencer,  
 1000 copies of said report were ordered to be placed upon the desks of the members for their use.

On motion by Mr. Gibson,  
 The House adjourned to meet to-morrow morning at 9 o'clock.

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FRIDAY MORNING, 9 o'clock, }  
 December 5, 1851. }

House met.

The journal of the preceding day was read and adopted.

#### PETITIONS PRESENTED.

By Mr. Leviston,

The petition of sundry citizens of Union county asking this General Assembly to pass a special act granting the Commissioners of Union county the privilege of appropriating annually a certain amount for the maintenance and support of Sarah Suran and her helpless family.

Which,

On motion,

Was referred to the following select committee, viz:

Messrs. Leviston, Lindsey of Fayette, and Doughty.

By Mr. Sweet,

The petition of sundry citizens of Noble county, asking the Gen-

eral Assembly to pass a special act whereby a certain deed of conveyance may be legalized, &c.

Which,

On motion,

Was referred to the committee on the Judiciary.

By Mr. Davis of Franklin,

The petition of sundry citizens of Franklin county, in relation to the sale of school lands.

Which,

On motion,

Was referred to the committee on Education.

#### REPORTS FROM COMMITTEES.

Mr. Gookins, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred the House bill, No. 4, extending jurisdiction of the writ of habeas corpus to masters in chancery, have instructed me to report the following bill:

No. 5. A bill to authorize clerks of the circuit courts, and masters in chancery to issue writs of Habeas Corpus, and to try cases arising under such writs, and to award injunctions and writs of *ne exeat*, and providing their compensation for said services.

Which was read a first time, and passed to a second reading.

Mr. Buskirk, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred a resolution of the House, instructing them to revise the standing rules of the House, have had the same under careful consideration, have made sundry amendments thereto, and have directed me to report a copy of the old rules and a copy of the amended rules, and to recommend the adoption of the amended rules.

The committee have also directed me to report the accompanying resolution, and recommend its adoption.

*Resolved*, That there be a committee of three appointed to act with a similar committee on the part of the Senate, to revise the Joint Rules for conducting business in the two Houses of the Gen-

eral Assembly of the State of Indiana, and that the Senate be requested to reciprocate this resolution.

The report was concurred in, and the resolution adopted.

Messrs. Buskirk, Owen, and Gookins were appointed said committee.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Holliday,

The vote on concurring in the report of the committee was reconsidered.

The report being read,

The question being on concurring in the report of the committee;

Was decided in the affirmative.

Mr. Brady moved that five hundred copies of said rules be printed for the use of the House.

Mr. Humphreys moved to amend by striking out "five hundred," and inserting "two hundred."

Which motion did not prevail.

The question then being put on Mr. Brady's proposition, was decided in the affirmative.

#### RESOLUTIONS OF THE HOUSE.

Mr. Lindsey of Fayette offered the following resolution :

*Resolved*, That the Door-keeper furnish each member of the House with a copy of the Revised Statutes of 1843, to be obtained out of the State Library, returnable at the close of the session.

Mr. Brady moved to amend the above resolution by striking out "member," and inserting "each desk, including those copies already here."

Which was accepted.

The resolution as amended was then adopted.

Mr. Gibson offered the following preamble and resolution :

**WHEREAS**, It becomes the duty of the present General Assembly to lay off the State into not more than five, nor less than three Supreme court districts, and provide for the election of a judge to each, it is important that if any increase should be made in the present number of the Supreme judges, to enable them to do the business of that court with reasonable despatch; therefore,

*Be it resolved*, That the Judges of the Supreme Court be requested to lay before the House of Representatives, at the earliest practicable day, a statement showing the number of cases now pending in

said court undecided, what proportion of said number have been pending more than one year, and what proportion more than two years before said court, and the names of the judges respectively in whose hands the last named cases have been—the number of cases decided at each term, commencing at the May term, 1849, and including May, 1851, and the number of decisions made by each of the judges during the period aforesaid.

Which was adopted.

On motion by Mr. Nelson,

*Resolved*, That the Governor be requested to transmit to this House a statement, showing the condition of our claim to the swamp lands selected, and whether any portion of them have been confirmed by the General Government—the impediments that exist, if any, to their transfer to our State, and whether in his opinion all the lands selected will be confirmed by the General Government; also, any communications that may have passed between him and the Commissioners of the General Land Office in regard thereto, or any information or suggestions he may consider useful to enable the House to determine upon some definite course of action in regard to said lands.

*And further*, If consistent, to shadow forth some general or local system of drainage, having for its object the carrying out at the earliest practicable moment. the purposes contemplated by the act of donation.

On motion by Mr. Nelson,

*Resolved*, That the Treasurer of State be requested to furnish this House with a statement, showing the number of acres of swamp lands selected in each county in the State—the obstacles that exist, if any there be, to the completion of the selections yet to be made, together with the number of acres sold in each county, and the probable or estimated expense per acre of draining the same.

On motion by Mr. Stanfield,

*Resolved*, That the committee on roads be instructed to inquire into the expediency of so amending the Plank Road law as to authorize the companies incorporated under said law, to borrow money for the completion of their roads at a rate of interest not exceeding eight per cent. per annum, and that said committee also inquire into the expediency of providing a further amendment to said law, authorizing such companies to set apart a portion of their receipts for rebuilding and repairing their roads, and for the investment of the same, and said committee to report by bill or otherwise.



On motion by Mr. Glazebrook,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of reporting a bill to this House, as soon as practicable for a uniform mode of assessing property by townships.

On motion by Mr. McConnell,

*Resolved*, That a committee of one from each Judicial Circuit be appointed to revise and amend the law now in force regulating the fees and salaries of the State and county officers, and that they report by bill or otherwise.

Messrs. McConnell, McAllister, English, Stanfield, Holman, Buskirk, Hostetter, Dice, Goudy, Morris, Spencer, Major and Smith of Spencer.

On motion by Mr. Dobson,

*Resolved*, That the committee on Roads be requested to inquire into the propriety of a general Plank Road Law, and that they report by bill or otherwise.

Mr. Buskirk offered the following resolution :

*Resolved*, That the committee on Ways and Means, be and they are hereby instructed to report a bill providing for the election of County Assessors.

Which,

On motion,

Was laid on the table.

On motion by Mr. Owen,

Five hundred copies of the annual report of the Superintendent of Common Schools were ordered to be printed for the use of the House.

On motion by Mr. English,

*Resolved*, That the Committee on Ways and Means be directed to report to this House, at as early a period as convenient, a bill so modifying the present revenue system as to authorize the board doing business in the several counties in this State in which there may be a railroad, plank-road, or canal, to assess a tax for county purposes, against any such road or canal, or upon the capital stock of any such road or canal, in proportion to the length or value thereof in each county, in the same manner as other property now subject to taxation.

On motion by Mr. Smith of Marion,

*Resolved*, That the Auditor of State be requested to lay before this House a statement of the amount paid by the State for counsel and legal opinions during the last ten years.

Mr. Beeson offered the following resolution :

*Resolved*, That all judgments and decrees rendered by any court in this State shall only draw interest at the rate of six per cent. per annum. All contracts made in writing for the loan of money shall bear interest at any rate agreed on by and between the parties contracting, not exceeding ten per cent. per annum. *Provided, however*, that no bank or insurance company shall be authorized to charge a higher rate of interest than six per cent. per annum on all loans made by them ;

Which,

On motion,

Was referred to the Committee on the Judiciary.

On motion by Mr. Hay of Clark,

*Resolved*, That the Committee on Benevolent and Scientific Institutions be instructed to report a bill as soon as practicable, providing a method for the admission of applicants to enter the Insane Hospital.

On motion by Mr. Hanna,

*Resolved*, That the committee on Military Affairs be instructed to report to the House some plan by which the strength of the militia may be ascertained.

On motion by Mr. Gunn,

*Resolved*, That a select committee of five be appointed, to be called the committee on Temperance, to which may be referred petitions, or other communications to the House on the subject of temperance.

Messrs. Gunn, Bryant, Lindsey, Helmer, and Wilson, were appointed said committee.

The Speaker laid before the House the following communication and accompanying document.

HON. J. W. DAVIS,  
*Speaker of House of Representatives :*

SIR,—You will please lay before the House of Representatives the enclosed communication from William N. Sykes, on the subject of cutting of timber on the swamp lands, &c.

Yours, &c.,  
 JOS. A. WRIGHT.

On motion by Mr. Gibson,  
 The accompanying document was referred to the committee on Swamp Lands.

The Speaker laid before the House the following communication from his Excellency the Governor:

HON. J. W. DAVIS,  
*Speaker of the House of Representatives :—*

SIR,—You will please lay the within communication before the House of Representatives.

Yours, &c.,  
 JOSEPH A. WRIGHT.

On motion by Mr. Kent,  
 The accompanying communication was laid upon the table.

Mr. Miller offered the following resolution:

*Resolved*, That the committee of Ways and Means be instructed to bring in a bill so amending the revenue laws, as to make it the duty of each assessor to fix the value himself, on that species of property which is now, under law, fixed by the owner, permitting at the same time each and every person assessed, under oath, to deduct the aggregate amount of his or her indebtedness from the aggregate value of his or her property.

Mr. Gookins moved to strike out the imperative clause in the above resolution, and make it a clause of inquiry.

Which motion prevailed.

The resolution, as amended, was then adopted.

On motion by Mr. Huffstetter,

*Resolved*, That the Door-keeper be directed to place upon each member's desk a copy of the abstract of the census of the State of Indiana.

Mr. Buskirk moved to reconsider the vote on the resolution offered this morning by Mr. English.

Which motion did not prevail.

On motion by Mr. Holman,

*Resolved*, That the committee on Ways and Means be instructed to report a bill for the organization of a State or district board or boards of equalization, with a view to secure equality in the assessment of real estate for taxation.

On motion by Mr. Torbet,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of providing for the re-appraisement of the real estate of this State, in the year 1853.

On motion by Mr. Gookins,

Two additional members were added to the committee on Ways and Means, viz: Messrs. Carpenter and Brady.

On motion by Mr. Manson,

Leave of absence was granted Mr. Stover until Tuesday next.

#### BILLS INTRODUCED.

Mr. Gibson gave notice that on to-morrow or some future day, he would introduce,

A bill declaratory of the meaning or extent of the operation of an act for the benefit of the Clark County Central Plank Road Company, approved January 2, 1850.

By Mr. Owen, in pursuance of previous notice;

No. 6. A bill to provide for the appointment of Commissioners to revise and simplify the practice and pleadings of Courts of Justice, and to reduce into a systematic code the statute law of the State.

Which was read a first time, and passed to a second reading.

Mr. Smith of Marion, gave notice that on to-morrow or some subsequent, day he will introduce,

A bill to authorize County Auditors and Recorders to re-copy maps and plats, where the original copies are worn or defaced.

Mr. Donaldson gave notice that on to-morrow or some future day, he will introduce,

A bill to amend the charter of the Peru and Indianapolis Railroad Company, approved January 19, 1846.

Mr. Carpenter gave notice that on to-morrow or some future day, he will introduce,

A bill to amend the charter of the Evansville and Illinois Railroad Company.

Mr. Behm gave notice that he will on to-morrow or some future day, introduce a bill,

To abolish the Tippecanoe Court of Common Pleas.

On motion by Mr. Lewis,

The annual report of the Trustees of the Lunatic Asylum was referred to the committee on Benevolent and Scientific Institutions.

On motion,

The order of business was suspended, and

Mr. Holman, chairman of the committee on the Judiciary made the following report:

MR. SPEAKER :

The committee on the Judiciary, to whom was referred bill of the House, No. 2 ; a bill to authorize the clerks of the circuit court to take and approve the official bonds of sheriffs, coroners, and county recorders, have had the same under consideration and instructed me to report the same back to the House with the following amendment:

Add to the preamble, after mentioned, "And whereas, in consequence thereof, an emergency exists that this act shall take effect and be in force from and after its passage."

And when so amended, to recommend its passage.

Which was concurred in.

Mr. Dobson offered the following amendment:

Insert after clerk of the circuit court, "auditor and treasurer or a majority of them."

Which was adopted.

Mr. Stuart offered the following amendment:

"Amend by striking out clerk, auditor, and treasurer, and insert Board of Commissioners."

Which was adopted.

The question then being on ordering the bill to be engrossed,

On motion by Mr. Suit,

The bill was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bulla, Buskirk, Carpenter, Cowgill, Crawford, Crim, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humpreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard.

Major, Manson, Marrs, Mayfield, McCallister, McConnell, McDona-  
ld, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter,  
Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith  
of Spencer, Spencer, Stanfield, Staton, Struble, Stuart, Suit, Sum-  
ner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells,  
Williams, Wilson, Withers, and Mr. Speaker—91.

So the bill passed.

Mr. Smith of Marion moved to amend the title so as to corres-  
pond to the body of the bill.

Which motion prevailed.

Ordered that the Clerk inform the Senate thereof.

The Speaker laid before the House the following communication,  
with the accompanying reports of the Branches of the State Bank  
at Lawrenceburgh, Richmond, Vincennes, Lafayette, and Fort  
Wayne:

STATE BANK, INDIANAPOLIS, }  
December 5, 1851. }

HON. J. W. DAVIS—

*Speaker of the House of Representatives :—*

SIR: Herewith please to receive and lay before the House of  
Representatives, the reports of the Branches of this Bank at Law-  
renceburgh, Richmond, Vincennes, Lafayette, and Fort Wayne.

Very respectfully yours,

JAMES M. RAY,  
*Cashier.*

Which,

On motion by Mr. Brady,

Was referred to the committee on Banks.

The Speaker laid before the House the following communication  
and annual report of the trustees of the Indiana Institute for the Ed-  
ucation of the Blind:

INDIANA INSTITUTE FOR THE EDUCATION OF THE BLIND, }  
Indianapolis, December 5, 1851. }

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives :*

DEAR SIR: Herewith please to receive and lay before the House  
of Representatives, the annual report of the trustees of the Indiana  
Institute for the education of the Blind.

With the indulgence of the Honorable House of Representatives

the trustees will defer the transmission of the remaining numbers of the report, with the hope of having included in them a perspective view of the building of the Institute, the plate of which is expected daily.

Very respectfully,  
 GEORGE W. MEARS, }  
 SETON W. NORRIS, } *Trustees.*  
 JAMES M. RAY.

On motion by Mr. Brady,

One thousand copies of the report were ordered to be laid upon the desks of the members.

On motion,

Leave was granted, and Mr. Brady offered the following resolution :

*Resolved*, That the House will, (the Senate concurring thereto,) proceed to the election of a Director of the State Bank, on Monday next, at 2 o'clock, P. M., to fill the vacancy of the Honorable Judge Henry, whose term of service is about to expire.

Mr. Gibson moved to amend by adding at the proper place, "by a viva voce vote;"

Which was accepted.

The resolution as amended, was then adopted.

Ordered that the Clerk inform the Senate thereof.

On motion,

Leave was granted, and Mr. Beach offered the following resolution :

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of so changing the assessment law of this State, as to make it the duty of the Assessors also to appraise the real estate of their respective counties.

Which was adopted.

On motion by Mr. Lewis,

The annual report of the Trustees of the Blind Asylum, was referred to the committee on Benevolent and Scientific Institutions.

On motion by Mr. Doughty,

The House adjourned to meet at 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

On motion,  
Leave was given, and  
Mr. Buskirk made the following report from a select committee,  
viz:

MR. SPEAKER:

The Joint committee appointed to revise the joint rules, have directed me to report the following joint rules and recommend their adoption:

### JOINT RULES

*For conducting business in the two Houses of the General Assembly  
of the State of Indiana.*

**RULE 1.** While bills or joint resolutions are on their passage between the two Houses, they shall be on paper, under the signature of their clerks respectively.

2. After a bill or joint resolution shall have passed both Houses, it shall be duly enrolled on paper; and the clerk of the House where it originated shall endorse on the back thereof the House in which it originated, under which he shall place his signature.

3. Every bill or joint resolution, after being enrolled shall be examined by the joint committee of enrolled bills, consisting of at least one member from each House, who shall compare the same with the engrossed bill, and correct any errors they may discover, so as to make it agree therewith, and make their report forthwith to their respective Houses.

4. Every bill or joint resolution reported to have been duly enrolled, shall be signed, first by the Speaker of the House of Representatives, who shall send the same to the Senate; then by the President of the Senate; after which it shall be presented by the joint committee of enrolled bills to the Governor for his approbation and signature; and the said committee shall report to their respective Houses the day of their presentation, which report shall be entered on the journals of each House.



5. All bills and joint resolutions shall be signed by the Speaker of the House of Representatives and President of the Senate, in their Houses respectively, when in session, which shall be carefully noted on the journals of each House.

6. When any paper or papers, proper to be acted upon by both Houses, shall come before either, the House before which such paper or papers are laid, shall, after acting thereupon, lay it or them before the other House.

7. In cases of disagreement between the two Houses, after passing the usual formalities, each House shall appoint, at the request of the other, two members to act as a committee of conference, which committee shall meet, endeavor to compromise the matter in dispute, and report to each House their proceedings thereon.

8. In all cases where the sergeant-at-arms of one House shall, by reason of official engagements or other cause, be unable to execute the commands or process of the House of which he is an officer, it shall be the duty of the sergeant-at-arms of the other House to execute such commands, together with such process as may be directed to him by the presiding officer thereof.

9. A standing committee of three members on the part of each House, shall be appointed to act as a joint committee on public buildings.

10. A standing committee of three members on the part of each House, shall be appointed to act as a joint committee on the canal fund.

11. A standing committee of three members on the part of each House, shall be appointed to act as a joint committee on the State Library.

12. In all elections which require a distinct and separate vote of each House, the voting shall be simultaneous in both Houses. No person shall be deemed to be elected in the proper House, making such separate choice, unless he receives a majority of all the votes given in such House. Each House shall, as soon as a choice be made on such separate voting, forthwith communicate the same to the other House; and if it shall appear that the Houses have concurred in their choice of any or either of the persons so voted for, such person or persons shall be deemed and declared duly elected. But if the two Houses do not concur in their choice of each and all the officers so to be elected, then in such case, the two Houses shall in like manner forthwith proceed to a second separate choice of the

remaining officers, so attempted to be elected; but if no concurrence then be had, the two Houses shall in like manner proceed to a third separate choice. If the two Houses shall not have concurred in their third separate choice, the two Houses shall proceed to joint vote, *instantly*, for the election of such officer or officers, as the two Houses may have failed for want of concurrence as aforesaid, to elect.

13. In the election of Bank Directors, each Senator and Representative may vote for as many persons as there are directors to be chosen; but no person voted for shall be deemed to be elected, unless he receive a majority of all the votes given; but the voting shall continue until the whole number be elected, unless the President of the Senate shall adjourn the same; which adjournment shall not extend beyond one day from that on which the adjournment was made, Sunday excepted.

14. In the election of President and Directors of the State Bank, by a separate vote of each House, the doors of each House shall be closed, and all persons excluded, except the members and officers thereof; all of whom shall be prohibited from communicating the result of any vote, until a choice shall have been made, by a separate vote of each House, or by joint vote; and in communicating the choice of either House to the other, the name of the person chosen shall be communicated, without the number of votes given to such person or any other person.

15. When a message is sent to the Senate, or to the House of Representatives, it shall be announced at the door by the sergeant-at-arms or door-keeper, and shall be respectfully communicated to the Chair by the person by whom sent.

16. Messages shall be sent by such persons as the President of the Senate or Speaker of the House of Representatives may designate for that purpose.

17. No bill that shall have passed one House shall be sent for concurrence to the other on the last two days of the session.

Which were concurred in.

The hour having arrived,

On motion by Mr. Owen,

The house resolved itself into committee of the whole on the Governor's message.

Mr. English in the chair.

After remaining in session some time, the committee arose and made the following report, through Mr. English, their chairman:

**MR. SPEAKER :**

The committee of the whole House to whom was referred the annual message of his Excellency the Governor of Indiana, have had the same under consideration, and have directed me to report that they have adopted sundry resolutions in relation thereto, in which the concurrence of the House is respectfully requested.

The House then proceeded to the consideration of the resolutions jointly.

1. *Resolved*, That so much of his Excellency the Governor's message as recommends the erection of a good and substantial building for the officers of the National and State Governments, be referred to the committee on Public Buildings, with instructions to inquire into the propriety of commencing said building next summer, on the reserved lot immediately north of the State House.

2. *Resolved*, That so much of the Governor's message as relates to education, be referred to the committee on Education.

3. *Resolved*, That so much of the Governor's message as relates to a geographical survey of the State, be referred to a select committee of one from each Congressional district.

4. *Resolved*, That so much of the Governor's message as relates to the Madison and Indianapolis Railroad, be referred to the committee on Corporations.

5. *Resolved*, That so much of the message of his Excellency the Governor as refers to the organization of courts and the formation of Judicial districts and circuits, be referred to the committee on the Organization of Courts.

6. *Resolved*, That so much of the Governor's message as relates to the propriety of creating the office of Attorney General, be referred to the committee on the Judiciary.

7. *Resolved*, That so much of the Governor's message as relates to condensing and simplifying the entire Common School law, and divesting it of all its useless machinery and bringing if possible, as it were, order out of confusion, be referred to the standing committee on Education.

8. *Resolved*, That that portion of the message which relates to agriculture, be referred to the committee on Agriculture.

9. *Resolved*, That so much of the Governor's message as relates to the State University, be referred to the committee on Education.

10. *Resolved*, That so much of the Governor's message as relates to law reform ; the appointment of commissioners for that purpose, and voluntary contributions to be submitted to said commissioners, be referred to the committee on the Judiciary.

11. *Resolved*, That so much of the Governor's message as refers to compromise measures of the last Congress, be referred to a select committee.

12. *Resolved*, That so much of the Governor's message as relates to the exclusion of negroes and mulattoes, and the colonization of those now among us, be referred to the committee on the Rights and Privileges of the Inhabitants of the State.

13. *Resolved*, That so much of the message of his excellency the Governor, as refers to the assessment and equalization of taxes, be referred to the committee on Ways and Means.

14. *Resolved*, That so much of the Governor's message as relates to swamp lands, be referred to the committee on Swamp Lands.

15. *Resolved*, That so much of the Governor's message as relates to payment of the domestic debt of the State, be referred to the committee on Ways and Means.

Which resolutions were concurred in by the House.

Committee on resolution No. 3, viz :

Messrs. Spencer, Owen, Mayfield, Chowning, Eckles, Lawrence, Donham, Hanna, Hunt, and Litchfield.

The following committee was appointed on resolution No. 11, viz : Messrs. Suit, Kent, Crim, Lavery, and Nelson.

On motion by Mr. Spencer,

The communication accompanying the communication from the Governor, and which was laid on the table this morning, was taken therefrom and referred to a select committee of three.

On motion,

Leave was granted, and

Mr. Miller offered the following resolution :

*Resolved*, That the Judiciary Committee be instructed that, in framing a bill defining crimes and misdemeanors, and providing for the punishment thereof, that they provide for dispensing with the grand jury, and for the public investigation of all criminal accusations.

Mr. Gibson moved to lay the resolution on the table.

The ayes and noes being demanded by Messrs. Kent and Smith of Spencer,

*Those who voted in the affirmative were,*

Messrs. Beane, Beeson, Bryant, Bulla, Cockrum, Cowgill, Crim, Cronwell, Dice, Dobson, Donham, Doughty, Eccles, English, Geddes, Gibson, Glazebrook, Gookias, Goudy, Graham, Gunn, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Hostetter, Hudson, Huffstetter, Hunt, King, Lavery, Lewis, Lindsey of Fayette, Mayfield, McCallister, McConnell, Mudgett, Nelson, Scudder, Sharklin, Stanfield, Staton, Suit, Sweet, Taggart, Thompson, Torbet, Walker, Williams, and Wilson—51.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Behm, Brady, Carpenter, Chowning, Crawford, Davis, Donaldson, Douthit, Foster, Hanna, Hart, Hays of White, Holliday of Blackford, Holman, Huey, Humphreys, Kent, Lawrence, Leviston, Lindsay of Howard, Major, Manson, McDonald, McDowell, Miller, Morris, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Spencer, Struble, Stuart, Sumner, Watson, Wells, Withers, and Mr. Speaker—42.

So the resolution was laid upon the table.

On motion by Mr. Gibson,

The House adjourned until to-morrow morning at 9 o'clock.

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SATURDAY MORNING, 9 o'clock, }  
December, 6, 1851. }

House met.

The Journal of the preceding day was read and adopted.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that they have concurred in the resolution adopted by the

House, to go into the election of Bank Director on Monday next, at 2 o'clock P. M.

The Speaker laid before the House the following communication, together with the memorial of the Board of Managers of the State Colonization Society :

HON. J. W. DAVIS,  
*Speaker of House of Representatives :*

SIR,—You will please lay before the House of Representatives the enclosed memorial from the board of managers of the State Colonization Society of Indiana.

Yours, &c.,  
JOS. A. WRIGHT.

Which memorial,  
On motion by Mr. Owen,  
Was referred to the committee on the Rights and Privileges of the Inhabitants of the State.

The Speaker laid before the House the following communication from John Pettit, Esq., and the accompanying document and draft of a bill :

HON. J. W. DAVIS,  
*Speaker of the House of Representatives :—*

I most respectfully request that you will lay the enclosed communication and draft of a bill before the House, over which you have the honor to preside.

Your obedient servant,  
JOHN PETTIT.

December 6, 1851.

On motion by Mr. Behm,  
The document and draft of a bill on the subject of the Tippecanoe battle ground, were referred to a select committee consisting of Messrs. Behm, Holman, and Manson.

Mr. Smith of Marion presented the petition of the board of County Commissioners of said county, relative to public buildings ;  
Which,

On motion,  
Was referred to the committee on Public Buildings.  
Mr. Nelson presented the petition of John P. Hedges, Jas. H. McMaker, *et al.*, relative to canal lands ;  
Which,

On motion,  
Was referred to the committee on Ways and Means.

Mr. Cowgill presented the petition of the stockholders in the Wash and Eel River Plank Road Company ;

Which,

On motion,

Was referred to a select committee consisting of Messrs. Cowgill, Donaldson, and Reynolds.

Mr. Thompson presented the petition of sundry citizens of the counties of Grant, Delaware, and Madison, relative to a State road through said counties ;

Which,

On motion,

Was referred to the committee on Roads.

Mr. Reynolds presented the petition of sundry citizens of Grant county, relative to changing the name of Van Buren township, in said county, to that of Jackson ;

Which,

On motion,

Was referred to the committee on the Judiciary.

#### REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the committee on the Judiciary, reported :

No. 1. A joint resolution relative to the revision of the laws ;

Which was read a first time ;

On motion,

The rule was suspended and the joint resolution read a second time.

The bill being engrossed,

On motion by Mr. Gookins,

The rule was suspended, and the joint resolution read a third time.

The question being, shall the joint resolution pass ?

And being put,

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Dougherty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Harrison, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spen-

cer, Stanfield, Staton, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—91.

*Those who voted in the negative were,*

Messrs. Lindsay of Howard, and McDonald—2.

So the joint resolution passed.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence.

#### RESOLUTIONS OF THE HOUSE.

On motion by Mr. English,

*Resolved*, That the Committee on Ways and Means be directed to inquire into the expediency of reporting to this House a bill so modifying the present revenue laws as to authorize the board doing county business in the several counties in this State to assess a tax for county purposes upon all lands situate in such county, owned by individuals or corporations, without reference to the date of entry.

On motion by Mr. Davis of Franklin,

*Resolved*, That the Judiciary Committee be instructed to inquire into and report upon the expediency and propriety of allowing witnesses before grand juries in all criminal proceedings, the usual fees and traveling expenses allowed in civil suits.

On motion by Mr. Hudson,

*Resolved*, That the committee on Education be, and they are hereby instructed to report to this House a bill providing for the sale and conveyance of the County Seminaries in each county in this State, and also for the sale of the personal property belonging to such Seminaries.

On motion by Mr. Lindsay,

*Resolved*, That the Door-keeper report to this House, at its meeting on Monday next, the number of assistants by him employed, and their names.

On motion by Mr. Doughty,

*Resolved*, That the Judiciary committee be instructed to enquire



into the expediency of so changing the valuation and appraisement law that all property under execution shall sell at two-thirds of its appraised value.

On motion by Mr. Stuart,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of exempting from execution and taxation to every householder property to the value of five hundred dollars, in pursuance of the spirit and intent of the 22d section, article 1st, of the Constitution.

On motion by Mr. Hays of White,

*Resolved*, That the vote taken and carried to lay on the table the resolution of Mr. Behm, instructing the committee on Ways and Means to inquire into the expediency of abolishing the poll tax, be reconsidered.

So the vote was reconsidered.

The question then being on the adoption of Mr. Behm's resolution, instructing the committee on Ways and Means to inquire into the expediency of abolishing the poll tax,

Was decided in the affirmative.

On motion by Mr. Hays,

*Resolved*, That the committee on Education be instructed to inquire into the importance of a law to sell the school sections in the several townships yet unsold.

On motion by Mr. Hay,

*Resolved*, That the Judiciary committee be instructed to report a bill to carry out the provisions of the thirteenth article of the Constitution.

Mr. Henry offered the following resolution :

*Resolved*, That there be a select committee of seven appointed to prepare and report a bill providing for a Homestead Exemption.

The question being on the adoption of the resolution, and being put, the ayes and noes were demanded by Messrs. McDonald and Smith of Spencer.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla,

Chowning, Cowgill, Crawford, Dice, Donaldson, Doughty, Douthit, English, Geddes, Gookins, Goudy, Hanna, Harrison, Hart, Hays of White, Henry, Hicks, Holladay of Parke, Hostetter, Hudson, Huey, Humphreys, Hunt, Leviston, Lindsey of Fayette, Major, McConnell, McDonald, McDowell, Miller, Mudget, Nelson, Porter, Reynolds, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Struble, Stuart, Suit, Sumner, Sweet, Watson, Williams, Wilson—54.

*Those who voted in the negative, were,*

Messrs. Barker, Buskirk, Carpenter, Cockrum, Crim, Cromwell, Davis, Dobson, Donham, Eccles, Foster, Gibson, Glazebrook, Graham, Gunn, Hay of Clark, Helmer, Holliday of Blackford, Holman, Kent, King, Lavery, Lawrence, Lewis, Lindsay of Howard, Marrs, Mayfield, McAllister, Owen, Ray, Schoonover, Scudder, Shanklin, Taggart, Thompson, Torbet, Walker, Wells, Withers, and Mr. Speaker—40.

So the resolution was adopted.

Messrs. Henry, Owen, Kent, Staton, Porter, Goudy and Wells were appointed said committee.

Mr. Beane offered the following resolution :

*Resolved*, That the committee on Roads inquire into the expediency of authorizing the Township Trustees to have the care and management of the public roads and highways in their respective townships, the power to assess additional road labor, in any road district in any township or townships where such extra labor may be necessary.

On motion by Mr. Behm,

*Resolved*, That the committee on Banks be and they are hereby instructed to inquire into the propriety of introducing a general free banking law.

On motion by Mr. Owen,

*Resolved*, That the select committee heretofore appointed on a homestead exemption be instructed to include personal as well as real property.

On motion by Mr. Wells,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of investing the school funds in the State stocks, and report by bill or otherwise.

On motion by Mr. Lindsay,

*Resolved*, That the committee on Roads inquire particularly into the condition of the three per cent. fund, belonging to the State of Indiana, and report to this body at as early a day as convenient.

On motion by Mr. Graham,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of introducing a law, to vest in the widows of deceased persons, the fee-simple of one-third of the estate of the decedent instead of dower.

On motion by Mr. Lewis,

*Resolved*, That the committee on the Judiciary be directed to inquire into the expediency of reporting a bill, so modifying the present poor law, as to afford promptly that relief originally contemplated in that act, and at the same time to properly protect the rights of the State, and also, appointing other than justices of the peace as overseers, as they usually perform the functions of said office imperfectly and with reluctance.

Mr. Hanna offered the following resolution :

*Resolved*, That the committee on Education inquire into the expediency of applying the proceeds arising from the sale of the swamp lands ceded to Indiana by the General Government, to purposes of common school education.

Which was not adopted.

On motion by Mr. Suit,

*Resolved*, That the committee on Corporations be instructed to inquire into the expediency of selling the interest of the State in the Madison and Indianapolis Railroad, in pursuance of the recommendation of the Governor.

On motion by Mr. Watson,

*Resolved*, That the committee on Elections be requested to take into consideration the propriety of so amending the law regulating the election of township officers, that no person shall be allowed to vote for more than one person for the office of supervisor of roads at each of said township elections.

Mr. Hudson offered the following resolution :

*Resolved*, That the select committee to whom was referred the

Homestead Exemption, be instructed to report a bill exempting not less than \$300 nor more than \$500.

Which was not adopted.

Mr. Beach offered the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of exempting from execution, in addition to the homestead, one hundred dollars of personal estate.

Which was not adopted.

On motion by Mr. Brady,

The vote rejecting Mr. Beane's resolution, relative to the expediency of authorizing the township trustees to have the care and management of the public roads and highways in their respective townships, and the power to assess additional road labor in any road district, in any township or townships where such extra labor may be necessary, was reconsidered.

Mr. Brady moved to amend the resolution as follows, by inserting at the proper place "The voters of the several townships in this State, to elect three trustees, who shall be the Board of Election";

Which motion prevailed.

Mr. Gookins offered the following amendment, to the resolution:

"Amend by adding, and to inquire into the expediency of making the civil townships liable for damages which may occur to travelers and others by reason of roads and bridges in such townships being out of repair";

Which was adopted.

Mr. Stanfield offered the following amendment to the resolution as amended:

"Amend, that the committee on Roads be instructed to inquire into the expediency of amending the general road law, so as to authorize the inhabitants of each township to determine at the April election, the amount of road tax they will raise and expend during the year, in addition to the amount now required by the General road law, and that the voters may designate the road upon which the road tax shall be expended, and the amount upon each, and the manner in which it shall be expended";

Which was also adopted.

The question then being, shall the resolution as amended be adopted?

Was decided in the affirmative.

On motion by Mr. Owen,

The reference of the resolution introduced by Mr. Suit, relative to the Madison and Indianapolis Railroad Company, was changed from the committee on Ways and Means, to that of Corporations.

On motion by Mr. Holman,

*Resolved*, That the committee on the State Library be instructed to inquire into the expediency of the enactment of a law, requiring the State Librarian to subscribe, on behalf of the State, for one copy of each of the public newspapers and journals published in this State, with a view to preserving a regular file of all such public newspapers and journals in the State Library, and that said committee report by bill or otherwise.

On motion by Mr. Harrison,

*Resolved*, That the committee on Swamp Lands be instructed to inquire into the expediency of reducing the price of the Swamp Lands belonging to the State, and report by bill or otherwise.

#### BILLS INTRODUCED.

Mr. Gibson, in pursuance of previous notice, obtained leave, and introduced,

A bill (No. 7) declaratory of the meaning or extent of the operation of an act for the benefit of the Clark county Central Plank Road company ;

Which was read a first time and passed to a second reading.

Mr. Donaldson, in pursuance of previous notice, obtained leave, and introduced,

A bill (No. 8) to amend the 6th section of the act entitled "an act to incorporate the Peru and Indianapolis Railroad Company," approved January 19, 1846 ;

Which was read a first time, and passed to a second reading.

Mr. Smith of Marion, in pursuance of previous notice, obtained leave, and introduced,

No. 9. A bill to authorize county Auditors and Recorders, to re-copy maps and plats, when the original copies are worn or defaced ;

Which was read a first time, and passed to a second reading.

By unanimous consent of the House, leave was granted, and

Mr. Kent introduced,

No. 10. A bill to provide for the election of the Judges of the Supreme Court ;

Which was read a first time, and passed to a second reading.

Mr. King, under the rule, gave notice of a motion for leave to introduce a bill for the subscription to, and preservation of the public newspapers printed in the several counties in this State.

The unanimous consent of the House was granted, and

Mr. Torbet introduced,

No. 11. A bill to authorize the Secretary of State to furnish the

clerk's offices of the several counties, copies of the Local and General Laws, and providing for binding the same.

Mr. Carpenter, in pursuance of previous notice, moved for leave to introduce a bill ;

Which motion prevailed, and

Mr. Carpenter introduced,

No. 12. A bill to amend the ninth section of an act entitled "An act to incorporate a company to construct a railroad from Evansville, on the Ohio river, to connect with the Ohio and Mississippi railroad at or near Olney, in the State of Illinois, via. Princeton, Gibson county, Indiana, and Mt. Carmel Illinois," approved January 2, 1849, and to repeal the 12th section of an act entitled "An act to amend the charter of the Evansville and Illinois Railroad Company," approved February 8th, 1851, and to insert another section in lieu thereof ;

Which was read a first time, and passed to a second reading.

On motion by Mr. Mudget,

Two additional members were added to the committee on Roads, viz: Messrs. Mudget and Henry.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 5. A bill to authorize clerks of the circuit courts, and masters in chancery to issue writs of Habeas Corpus, and to try cases arising under such writs, and to award injunctions and writs of *ne exeat*, and providing their compensation for said services.

Was read a second time.

On motion by Mr. Smith of Marion,

The bill was amended by striking out "clerks of the circuit court."

Mr. Buskirk moved to amend the bill by adding "probate judges;"

Which motion prevailed.

Mr. Davis of Franklin moved to amend the bill by adding "Notaries Public;"

Which motion did not prevail.

The bill as amended was then ordered to be engrossed.

No. 6. A bill to provide for the appointment of Commissioners, to revise and simplify the practice and pleadings of courts of justice, and to reduce into a systematic code, the statute law of the State.

Was read a second time,

On motion by Mr. Owen,

The bill was referred to the committee on the Judiciary.

The Speaker laid before the House the following communication and annual report of the Secretary of State:

OFFICE OF SECRETARY OF STATE, }  
 INDIANAPOLIS, December 5, 1851. }

HON. J. W. DAVIS,  
*Speaker of the House of Representatives:*

SIR—Please to lay before the House of Representatives the enclosed annual report of the Secretary of State.

Very respectfully,  
 CHARLES H. TEST.

Mr. Spencer moved that one thousand copies of said report be printed and laid upon the desks of the members for their use;

Which motion did not prevail.

The report was then laid upon the table.

On motion,

The order of business was suspended, and

Mr. Gookins offered the following resolution:

*Resolved*, That a committee of three on the part of this House be appointed, to act with a similar committee on the part of the Senate to inquire and report to this General Assembly, whether acts providing for the amendment of city and town charters, and the duties of private corporations conflict with any provision of the constitution, and that the Senate be requested to reciprocate this resolution.

Messrs. Gookins, Stuart and Holman were appointed said committee on the part of the House.

Ordered that the Clerk inform the Senate thereof.

On motion,

The order of business was suspended, and

Mr. Williams offered the following resolution:

*Resolved*, That the committee on Swamp Lands be instructed to inquire into the expediency of graduating the price of the swamp lands, and provide a uniform mode of selling and expending the proceeds of the sales for the reclaiming of said lands.

Which was adopted.

Mr. Lewis from the committee on Ways and Means made the following report:

MR. SPEAKER:

The committee of Ways and Means to whom was referred a res-

olution of inquiry into the expediency of reporting a bill, so amending the revenue laws, as to make it the duty of each assessor to fix the value himself, on that species of property which is now under the present law, fixed by the owners, and allowing them to deduct the aggregate amount of their indebtedness from the aggregate value of their property, have directed me to report it inexpedient to legislate upon the subject, and ask to be discharged from its further consideration.

Which was concurred in.

On motion by Mr. Gookins,

The House adjourned to meet on Monday next, at 9 o'clock A. M.

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MONDAY MORNING, 9 o'clock, }  
December 8, 1851. }

House met.

The journal of the preceding day was read and adopted.

The Speaker laid before the House the following communication, together with the Report of the Commissioners of the Sinking Fund:

OFFICE OF COMMISSIONERS OF THE SINKING FUND, }  
INDIANAPOLIS, Dec. 5, 1851. }

*To the General Assembly of the State of Indiana:*

The Commissioners of the Sinking Fund herewith respectfully present to the General Assembly their annual report.

Statement A, exhibits the receipts and disbursements of the Fund for the past year, ending 1st inst.

Statement B, exhibits the entire condition of the Fund.

The board has been unable to procure more than the two bonds issued for the bank loan, mentioned in the report A.

Very respectfully:

J. MORRISON,  
WILLIAM DAILY,  
GEORGE HENRY,  
JOHN F. CARR, } Commissioners.



On motion by Mr. Brady,

The report was laid upon the table and five hundred copies ordered to be printed.

The Speaker laid before the House the following communication, together with the annual report of the State Bank:

STATE BANK,                    }  
INDIANAPOLIS, Dec. 5, 1851.    }

Hon. J. W. DAVIS,

*Speaker of House of Representatives :*

SIR: Please present to the House of Representatives the accompanying annual report of the State Bank.

Very respectfully,

J. MORRISON,  
*President.*

Which report,

On motion,

Was referred to the Committee on Banks, and 500 copies were ordered to be printed.

#### REPORTS FROM COMMITTEES.

Mr. Spencer, from a select committee, made the following report:

MR. SPEAKER :

The select committee to whom was referred the communication of James N. Taylor of Switzerland county, beg leave to report that they have had the same under consideration, and as the object of the writer seems to be to call the attention of this body to the necessity of a reduction in the fees of officers of courts of justice, and inasmuch as a thorough revision of the law upon that subject is anticipated at the present session, your committee would most respectfully recommend that said petition be referred to the committee on fees and salaries;

Which was concurred in.

## RESOLUTIONS OF THE HOUSE.

On motion by Mr. Kent,

*Resolved*, That a committee of nine be appointed, charged with the duty of districting the State into supreme judicial districts.

On motion by Mr. Gibson,

The vote on the adoption of the resolution calling on the judges of the Supreme Court to report the number of cases submitted to the Supreme Court, &c.,

Was reconsidered.

The question being on the adoption of the resolution,

Mr. Gibson moved to amend the resolution, by striking out all after the word resolved, and insert,

That the clerk of the Supreme Court be requested to communicate to this House, as soon as practicable, the number of cases submitted to the Supreme Court for decision prior to the commencement of the present term which now remain undecided, stating the number submitted at each term undisposed of, in the hands of each judge; also the number of causes pending in said court not yet submitted;

Which motion prevailed.

The resolution as amended was then adopted.

On motion by Mr. Marrs,

*Resolved*, That the committee of Ways and Means be instructed to inquire into the expediency of reporting a bill to levy a small additional tax on the following stocks, to-wit: On all Banks, Insurance Companies, Navigation, Canal, Railroad and Plank Road Companies, for the benefit of common schools.

On motion by Mr. Donaldson,

*Resolved*, That the members of this House most respectfully invite the Superintendent of the Asylum for the education of the Deaf and Dumb, and also the Superintendent of the Asylum for the education of the Blind, to hold an exhibition of the proficiency of the pupils under their respective charges for the information of the members of this General Assembly, on such evenings as each of them may select.

On motion of Mr. Carpenter,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of extending the jurisdiction of justices

of the peace in civil cases through the counties, respectively, in which they reside, and report by bill or otherwise.

On motion by Mr. Cockrum,

*Resolved*, That the committee on Swamp Lands be and are hereby instructed to take into consideration the expediency of having the said swamp lands in this State classified, and that class that is nearly wet, and not subject to deep inundation, be selected with care, and offered for sale at public auction, and not to sell for a less price than that fixed by law, and report to this House by bill or otherwise.

Mr. Sumner offered the following resolution :

*Resolved*, That the committee on Swamp Lands be instructed to inquire into the expediency of authorizing the Treasurer of State to issue a scrip bearing six per cent. interest, to be called Swamp Land Scrip, which scrip shall be issued upon contracts for the drainage of said lands, and made redeemable by them only ; and that said committee report by bill or otherwise ;

Which was not adopted.

On motion by Mr. Stevens,

*Resolved*, That the committee on Swamp Lands be requested to inquire into the expediency of making county Auditors agents to sell said lands in their respective counties.

On motion by Mr. Davis of Franklin,

*Resolved*, That the committee appointed to divide the State into Congressional districts, be and they are hereby instructed to make a just and fair division, without geremandering to suit persons desirous of obtaining Congressional honors, and also without reference to the party complexion of the districts so framed.

On motion by Mr. Smith of Marion,

*Resolved*, That the committee on Military Affairs take into consideration so much of the Governor's message as relates to the mounted riflemen and other troops engaged in the Mexican war, and that said committee inquire into the expediency of reporting a bill or joint resolution in accordance with the recommendations of the Governor.

On motion by Mr. Hays,

*Resolved*, That the committee on Education be and they are here-

by instructed to inquire into the expediency of introducing a law giving to each Congressional township its proportion of all the school funds of the State, according to the number of children in the several townships.

On motion by Mr. Stanfield,

*Resolved*, That the general plank road law, and all amendments thereto, be referred to the committee on Corporations, and that the committee be instructed to report a bill revising said laws, together with such amendments thereto as said committee may deem expedient.

On motion by Mr. Hart,

*Resolved*, That the committee on Fees, Salaries, &c., be instructed to inquire into the expediency of increasing the fees of jurors and witnesses in the circuit court.

On motion by Mr. Hicks,

*Resolved*, That the committee on Ways and Means, report at their earliest convenience, upon the propriety of all assessments upon personal property, being made by township assessors, and all collections to be made by county treasurers.

On motion by Mr. Torbet,

*Resolved*, That the committee on Ways and Means, be instructed to inquire into the expediency of so amending the laws regulating the settlement of county treasurers with county auditors, and with the Auditor of State, as to give longer time for collections.

Also, to authorize county treasurers to make deposits to the credit of the State Treasurer, in the several branches of the State Bank, of the amounts collected for State revenue from time to time.

On motion by Mr. Struble,

*Resolved*, That Mr. Speaker be requested to appoint a committee of five to be called a committee on Civil Townships, whose duty it shall be to report to this House by bill or otherwise, what kind of officers and how many is necessary to organize civil townships under the new constitution.

Messrs. Struble, Leviston, Thompson, Porter, and Sumner were appointed said committee.

Mr. Reynolds offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of reducing the number of justices of the peace in the several counties in this State, so that each township will be entitled to one and no more, except the county seats, where two may be elected and no more.

Which was not adopted.

On motion by Mr. Spencer,

*Resolved*, That the committee on Roads be and they are hereby instructed to inquire into the propriety of incorporating into the bill which they may report for a road law, the following principles, to-wit :

*First*. To require of the board doing township business to meet annually, agree upon the amount of tax which shall be assessed upon the taxable property of the township for road purposes for that year, and certify the same to the board doing county business.

*Second*. To require of the board doing county business to assess the amount so certified to them on the taxable property of such township.

*Third*. To make it the duty of the auditor to charge upon the duplicate the amount so assessed, and the duty of the treasurer, or person collecting, to collect such tax, and pay the same over to the treasurer of the township, subject to the order of such township board.

*Fourth*. To require the township board to select a principal road in such township, having regard to that road upon which the largest amount of donations may be offered, and apply such amount of tax raised as above as will, with such donations, complete such road in a substantial and permanent manner; after which proceed in the same manner on others, until all are complete.

On motion by Mr. Helmer,

*Resolved*, That the committee on the Judiciary be instructed to inquire into and report to this House, what laws, if any, are necessary to protect against loss or abuse, the property of persons laboring under mental disability, or temporary insanity; and to inquire *specially*, whether there be any provision made by existing law whereby the property of such persons may be protected, in case they leave the county in which such property is situate, after such disability becomes manifest, and prior to any action being had thereon.

Mr. Owen offered the following resolution :

*Resolved*, That the committee on the Judiciary report during the course of this session, a revised law of descents, embodying the following provisions :

*First*. Tenancies by the curtesy and in dower are abolished.

*Second*. If a husband die, testate or intestate, one-third of his property, real and personal, shall descend to his widow free from all demands of creditors ; *Provided*, that the widow may elect, instead thereof, to take against all creditors, such an amount of her husband's property as, together with any property owned by herself, shall not exceed the amount which may, at the time, be exempt by law from seizure or sale for debt.

*Third*. If a wife die testate or intestate, one-third of her property, real and personal, shall descend to her widower ; subject, however, to the debts of the wife contracted before marriage.

*Fourth*. If a husband or wife die intestate, having one child only, his or her property shall descend, one-half to the widow or widower, as the case may be, and one-half to the child.

*Fifth*. If a husband or wife die intestate, leaving no children, but having a father or mother, or either of them, then his or her property, real and personal, shall descend, three-fourths to the widow or widower, and one-fourth to the father and mother, or to the father, or to the mother, as the case may be.

*Sixth*. If a husband or wife die intestate, leaving no children and no father or mother, the whole of his or her property, real and personal, shall descend to the survivor.

*Seventh*. A surviving wife is entitled to one-third of all real estate, of which her husband may have been seized, at any time during the marriage, and in the conveyance of which she shall not have joined ; *Provided, however*, that if the husband shall have left a will, the wife may elect to take under the will, instead of under this, and the foregoing provisions of this act.

*Eighth*. If after settlement of a deceased husband's or wife's estate, a part of the purchase money of any lands of which he or she may, at death or at any time during the marriage have been seized, shall remain unpaid, the right of the survivor to one-third of said estate as herein-before provided, shall be subject to the payment of one-third of said unpaid part of said purchase money.

*Ninth*. The surviving wife shall, in all cases, be allowed to remain in the ordinary dwelling house of the family and to occupy the same, and the messuage thereto appertaining and fields adjacent, if any, not exceeding forty acres, free of all rent, for the term of one year, from and after the death of the husband.

*Tenth*. Such other provisions, in accordance with, or rendered necessary or proper by the foregoing, as to the Judiciary committee may seem expedient.

On motion,

The resolution was laid upon the table, and one hundred copies were ordered to be printed.

The Speaker laid before the House the following communication from the Door-keeper :

In obedience to a resolution of the House requiring the Door-keeper to report on Monday the 8th inst., the number and names of his assistants, the undersigned respectfully reports, that he has engaged six assistants, whose names are as follows :

Jacob Herman,	John B. Buskirk,	John W. Johnson,
Washington Stone,	Reuben Tyler,	Henry Bigler.

Mr. Bigler is employed in the stationery room; Mr. Buskirk's duty is to attend to the committee rooms; and Mr. Johnson is woodman.

The undersigned respectfully states to the House, that in order to keep the Representatives' Hall and committee rooms at all times in proper order, and efficiently to discharge the other duties imposed on him by the rules of the House, he requires at least one additional assistant.

G. W. PATTERSON,  
*Doorkeeper House of Representatives.*

On motion by Mr. Spencer,  
The communication was laid upon the table.

The Speaker laid before the House the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, Dec. 8, 1851. }

Hon. J. W. DAVIS,  
*Speaker :—*

I have received reliable information to the effect, that the Board of Equalization of La Grange county have so far exceeded their powers under the law, as to reduce the valuation of real estate, returned by the appraisers of said county to the amount of fifty per cent. or thereabouts. This proceeding is believed to be wholly unwarranted by law, a violation of its spirit and intentions, and in its practical effects an act of gross injustice to the tax-payers of all other counties, where no such proceedings have been had.

The effects of it may be seen in the following statement of the average assessment per acre in La Grange and the adjoining counties;

La Grange county, average per acre.....	\$3 13
Elkhart           "           "           " .....	5 40
Noble           "           "           " .....	4 14
Steuben        "           "           " .....	3 00

I have requested the County Auditor to summon a special session of the Board, to reconsider their action, but have no power to compel a compliance with the request. It is, therefore, respectfully submitted to the Legislature whether any, and what action may be deemed necessary for the correction of the error.

I have the honor to be, &c.

E. W. H. ELLIS,  
*Auditor of State.*

Which,

On motion by Mr. Buskirk,  
Was referred to the committee on Ways and Means.  
Mr. Dobson offered the following resolution:

*Resolved*, That the committee on Ways and Means be instructed to report an amendment to the assessment law, to allow persons to deduct from the entire amount of their personal property, the amount of their indebtedness.

Mr. Buskirk moved to lay the resolution on the table.

The question being put, the ayes and noes were demanded by Messrs. Miller and English.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Bryant, Buskirk, Carpenter, Chowning, Crawford, Dice, Donaldson, Geddes, Gibson, Helmer, Holladay of Parke, Hudson, Kent, Laverty, Lewis, Lindsay of Howard, McDonald, Mudgett, Nelson, Schoonover, Scudder, Smith of Spencer, Station, Torbet—26.

*Those who voted in the negative were,*

Messrs. Barker, Beeson, Behm, Brady, Bulla, Cockrum, Cowgill, Crim, Cromwell, Davis, Dobson, Donham, Doughty, Douthit, Eccles, English, Foster, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Henry, Hicks, Holladay of Blackford, Holman, Hostetter, Huey, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lindsey of Fayette, Major, Marrs, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Owen, Porter, Ray, Reynolds, Shanklin, Smith of Marion, Spencer, Stanfield, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, Mr. Speaker—69.



So the resolution was not laid upon the table.

Mr. Donaldson moved to indefinitely postpone the resolution.

The question being put, the ayes and noes were demanded by Messrs. English and Donaldson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Davis, Dice, Donaldson, Douthit, Geddes, Gibson, Gookins, Hanna, Helmer, Henry, Holladay of Parke, Hostetter, Hudson, Huey, Huffstetter, Kent, Lavery, Lawrence, Lewis, Lindsay of Howard, Major, Marrs, McConnell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Spencer, Stanfield, Staton, Struble, Sweet, Taggart, Torbet, Walker, Watson, Wells, Wilson—56.

*Those who voted in the negative were,*

Messrs. Beeson, Bulla, Cockrum, Crim, Cromwell, Dobson, Donham, Doughty, Eccles, English, Foster, Glazebrook, Goudy, Graham, Gunn, Hart, Hays of White, Hicks, Holliday of Blackford, Holman, Humphreys, Hunt, King, Leviston, Lindsey of Fayette, Mayfield, McAllister, McDonald, McDowell, Morris, Smith of Marion, Stevens, Stuart, Suit, Sumner, Thompson, Williams, Withers, and Mr. Speaker—39.

So the resolution was indefinitely postponed.

Mr. Scudder offered the following resolution:

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of repealing so much of the revenue laws as respects the assessment for taxation on debts and claims, except for money loaned and property or money held in trust for others, except such as may belong to non-residents of the State.

Which was not adopted.

On motion,

The order of business was suspended, and

Mr. Behm from a select committee made the following report:

**MR. SPEAKER:**

The undersigned, select committee to whom were referred the communication and bill from the Hon. John Pettit, beg leave to report in accordance with the following communication, viz:

*To the General Assembly of the State of Indiana :*

At the last Grand Communication of the Grand Lodge of Free Masons for the State of Indiana, held at Indianapolis in May, 1851, I was appointed a committee to ask of the Legislature of this State leave for said Grand Lodge to erect and maintain a suitable monument to the memory of Daviess, Owen and other Masonic brethren, who fell on the heights of Tippecanoe, in the memorable battle of November 7, 1811; which duty I now perform, and most respectfully ask such leave, in the name and on behalf of said Grand Lodge, and herewith present the draft of a bill for that purpose.

Very respectfully,

JOHN PETTIT.

And would respectfully recommend the passage of the accompanying bill.

GODLOVE O. BEHM,  
WM. S. HOLMAN.

No. 13. A bill to authorize the Grand Lodge of Free Masons of the State of Indiana to erect and maintain a monument on the battle ground of Tippecanoe;

Which was read a first time and passed to a second reading.

On motion by Mr. Stuart,

The vote on the adoption of the following resolution, viz:

*Resolved*, That a committee of nine be appointed, charged with the duty of districting the State into supreme judicial districts,  
Was reconsidered.

Mr. Stuart moved to amend the resolution so as to appoint one from each judicial circuit to district the State into supreme districts and judicial circuits.

Which motion prevailed.

The resolution as amended was then adopted.

Messrs. Kent, Bryant, King, Lewis, Foster, Morris, Hudson, Stuart, McDonald, Buskirk, Reynolds, Nelson, and Davis of Franklin were appointed said committee.

Mr. Miller, under the rule, gave notice of a motion for leave to introduce a resolution to organize a standing committee of nine, to be called a committee on Revision, Phraseology and Arrangement.

On motion by Mr. Reynolds,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of increasing the fees of jurors and witnesses in the justices courts, to the same that is now allowed jurors and witnesses, in the circuit court.

On motion by Mr. Gibson,

*Resolved*, That the committee on Benevolent Institutions be instructed to inquire into the expediency of making by law a small annual appropriation for the increase of the library of the lunatic asylum.

On motion by Mr. Hanna,

*Resolved*, That the committee on Canals and Internal Improvements be directed to inquire whether the Wabash and Erie Canal is kept in a proper state of repair, and whether the navigation of said canal is not frequently obstructed beyond a reasonable time to remove said obstructions.

On motion by Mr. Eccles,

*Resolved*, That the Committee on Ways and Means be instructed to inquire into the expediency of abolishing the office of county assessors in the several counties in this State, and providing by law for the election or appointment of township assessors in place thereof, and they report by bill or otherwise.

Mr. English offered the following resolution :

*Resolved*, That in the judgment of this House, the only true and just system of taxation is that which compels each and every person to pay a tax in proportion to his or her wealth, and that the committee on Ways and Means be instructed to observe this principle in any proposed modification of our present revenue system.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. English and Gibson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Bulla, Chowning, Cockrum, Crawford, Crim, Cromwell, Davis, Dobson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Glazebrook, Goudy, Graham, Hart, Hays of White, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Huey, Hunt, Kent, Lavery, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, McCallister, McConnell, McDowell, Miller, Morris, Porter, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Spencer, Stanfield, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Wells, Williams, Wilson, Withers, and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Behm, Bryant, Buskirk, Carpenter, Cowgill, Dice, Donaldson, Gibson, Gookins, Gunn, Hanna, Hay of Clark, Helmer, Henry, Hostetter, Hudson, Huffstetter, Lawrence, Lewis, Marrs, McDonald, Mudget, Nelson, Smith of Spencer, Staton, Torbet, Walker, and Watson—28.

So the resolution was adopted.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 7. A bill declaratory of the meaning or extent of the operation of an act for the benefit of the Clark County Central Plank Road company, approved January 2, 1850 ;

Was read a second time.

On motion by Mr. Gibson,

The bill was referred to the committee on the Judiciary, with instructions to inquire whether or not the bill be constitutional.

No. 8. A bill to amend the 6th section of the act entitled "an act to incorporate the Peru and Indianapolis Railroad Company," approved January 19, 1846 ;

Was read a second time.

On motion by Mr. Donaldson,

The bill was referred to the committee on Corporations.

No. 9. A bill to authorize County Auditors and Recorders to re-copy maps and plats when the original copies are worn or defaced ;

Was read a second time,

On motion by Mr. Gookins,

The bill was referred to the committee on Revision.

No. 10. A bill to provide for the election of the judges of the Supreme court ;

Was read a second time.

Mr. Stuart moved the following amendment, viz:

*First District*—Posey, Vanderburgh, Warrick, Spencer, Perry, Crawford, Harrison, Floyd, Washington, Orange, Dubois, Pike, Gibson, Knox, Daviess, Martin, Lawrence, Green, and Jackson.

*Second District*—Clark, Scott, Jefferson, Jennings, Switzerland, Ohio, Ripley, Dearborn, Decatur, Franklin, Union, Fayette, Rush, and Henry.

*Third District*—Vigo, Sullivan, Clay, Owen, Putnam, Parke, Vermillion, Warren, Fountain, Tippecanoe, Carroll, Clinton, Boone, Montgomery, Hendricks, and Monroe.

*Fourth District*—Jay, Blackford, Grant, Randolph, Delaware,

Madison, Howard, Tipton, Hamilton, Wayne, Hancock, Marion, Johnson, Shelby, Bartholomew, Brown, and Morgan.

*Fifth District*—Benton, White, Pulaski, Jasper, Lake, Porter, Laporte, St. Joseph, Elkhart, Lagrange, Steuben, DeKalb, Noble, Kosciusko, Marshall, Starke, Fulton, Cass, Miami, Wabash, Huntington, Wells, Adams, Allen, and Whitley.

Pending which,

On motion by Mr. Stuart,

The bill and amendment were laid upon the table.

No. 11. A bill to authorize the Secretary of State to furnish the Clerk's offices of the several counties, copies of the local and general laws and providing for binding the same;

Was read a second time, and ordered to be engrossed.

No. 12. A bill to amend the ninth section of an act entitled an act to incorporate a company to construct a railroad from Evansville on the Ohio river, to connect with the Ohio and Mississippi railroad at or near Olney in the State of Illinois *via* Princeton, Gibson county, Indiana, and Mount Carmel, Illinois, approved January 2, 1849, and to repeal the twelfth section of an act entitled an act to amend the charter of the Evansville and Illinois Railroad Company, approved February 8, 1851, and to insert another section in lieu thereof;

Was read a second time,

On motion by Mr. Carpenter,

The bill was referred to the Committee on the Judiciary.

#### HOUSE BILLS ON THIRD READING.

No. 5. A bill to authorize Clerks of the Circuit courts and Masters in chancery to issue writs of habeas corpus, and to try cases arising under such writs, and to award injunctions and writs of ne exeat, and providing their compensation for said services;

Was read a third time,

And the question being shall the bill pass!

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Dougherty, Douthit, Eccles, English, Foster, Geddes, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, Miller, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover,

Scudder, Shanklin, Smith of Spencer, Smith of Marion, Spencer, Stanfield, Staton, Stevens, Struble. Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—92.

*Those who voted in the negative were,*

Messrs. Gibson, Hay of Clark, and McDowell—3.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. King in pursuance of previous notice, obtained leave and introduced,

No. 14. A bill for the subscription to and preservation of public newspapers printed in the several counties in this State ;

Which was read a first time and passed to a second reading.

On motion by Mr. Brady,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

House met.

The hour having arrived,

The House proceeded with closed doors to the election of State Bank Director by a *viva voce* vote, to fill the vacancy occasioned by the expiration of the term of service of George Henry.

*Those who voted for Beattie McClelland were,*

Messrs. Barker, Beach, Beane, Brady, Buskirk, Chowning, Crawford, Dice, Dobson, Donaldson, Donham, Eccles, English, Gibson, Glazebrook, Hanna, Harrison, Hart, Hays of White, Henry, Holman, Huey, Huffstetter, Humphreys, Kent, Laverty, Leviston, Lewis, Lindsey of Fayette, Major, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Spencer, Struble, Stuart, Sweet, Taggart, Torbet, Wells, Williams, Wilson, Withers, and Mr. Speaker—54.

*Those who voted for George Henry were,*

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Crim, Cromwell, Davis, Doughty, Douthit, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Helmer, Hicks, Holladay of Parke, Holliday of Black-

ford, Hostetter, Hudson, Hunt, King, Lawrence, Lindsay of Howard, Marrs, Mayfield, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Suit, Sumner, Thompson, Walker, and Watson—40.

Beattie McClelland having received a majority of all the votes given, was, by the Speaker declared duly elected on the part of the House to serve as Director of the State Bank of Indiana, for and during the term of four years, from and after the expiration of the term of service of the present incumbent.

Ordered, that the Clerk inform the Senate thereof by a sealed message.

The following message was received from the Senate by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to deliver to the House of Representatives the accompanying sealed message, in relation to the election of a Director on the part of the State, to the State Bank of Indiana.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that at an election held by the Senate with closed doors in pursuance of a resolution of the two Houses, for the purpose of electing a Director of the State Bank of Indiana, to serve as such for the term of four years from and after the expiration of the term of the present incumbent, Judge George Henry,

Beattie McClelland received a majority of all the votes given and was therefore declared duly elected on the part of the Senate, a Director of the State Bank of Indiana, to serve as such during the term of four years from and after the expiration of the term of service of the present incumbent.

The Speaker laid before the House the following communication and the annual report of the Trustees of the Wabash and Erie Canal:

INDIANAPOLIS, Dec. 2d, 1851.

HON. J. W. DAVIS,

*Speaker of the House of Representatives :—*

SIR: I transmit herewith the Annual Report of the Board of Trustees of the Wabash and Erie Canal to the General Assembly, to be laid before the House over which you have the honor to preside.

Respectfully,

Your obedient servant,

CHARLES BUTLER,

*President of the Board, &c.*

The report was laid on the table.

On motion,

The order of business was suspended, and

Mr. Stuart presented the memorial of citizens of Cass county in relation to the revenue laws now in force, and praying certain changes therein.

Which,

On motion,

Was referred to the committee on Ways and Means, without reading.

Mr. King, in pursuance of previous notice, obtained leave, and introduced,

No. 2. Joint resolutions relative to American influence abroad, the Hungarian Revolution, and Lewis Kossuth ;

Which was read a first time, and passed to a second reading.

Mr. Suit, chairman of the committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The committee on Engrossed Bills report that they have examined bills No. 2, 5, and 11, and joint resolution No. 1, and find that they are correctly engrossed.

Mr. Suit gave notice of a motion for leave to introduce a bill dividing the State into congressional districts.

On motion by Mr. Hanna,

The House adjourned to meet to-morrow morning at 9 o'clock.



TUESDAY MORNING, 9 o'clock, }  
December 9, 1851. }

House met.

The Journal was partly read,

When,

On motion by Mr. Reynolds,

The further reading of the Journal was dispensed with.

On motion,

Leave was granted Mr. Reynolds, to change his vote on Mr. English's resolution, which was adopted yesterday.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Strubble,

The petition of sundry citizens of Bartholomew county, relative to the ascent of fish in White river, &c.;

Which,

On motion,

Was referred to a select committee, consisting of Messrs. Strubble, Wells, and Helmer.

By Mr. Porter,

The petition of sundry citizens of Switzerland and Ohio counties relative to abolishing the present grand jury system.

Mr. Porter moved to refer the petition to the committee on the the Judiciary.

Mr. Stuart moved to refer the petition to the committee on the Organization of Courts of Justice ;

Which was accepted.

The petition was then so referred.

#### REPORTS FROM COMMITTEES.

Mr. Torbet, from the committee on Ways and Means, made the following report :

MR. SPEAKER :

The committee on Ways and Means, who were instructed by a resolution of the House to inquire into the expediency of so amending the laws regulating the annual settlement of county treasurers as to give longer time for collections ; also, to authorize county treasurers to make deposits of the amounts collected for state rev-

enue,—have had the same under consideration, and have instructed me to report the accompanying bill and respectfully recommend its passage.

No. 15. A bill to fix the time at which county treasurers shall be required to make their annual settlements with county auditors and with the auditor of State, and to authorize them to make deposits under the direction of the Treasurer of State ;

Which was read a first time and passed to a second reading.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report :

MR. SPEAKER :

The committee on Ways and Means, to whom was referred resolution of the House instructing them to inquire into the expediency of abolishing a poll tax, have had the same under consideration.

It is a general and just principle, that all who enjoy the protection and privileges which their government gives, should also bear their just share of the burthens which it imposes. There is a portion of the citizens of the State who are protected in their persons and reputation, who would not pay any part of the exactions which government makes of the citizens to pay the expense of its administration, if a poll tax should be abolished.

But apart from the justice or injustice of the principle of taxing polls, there is another consideration that should govern at the present time. There are one hundred and fifty thousand polls in the State of Indiana ; fifty cents on each poll, the amount of the poll tax the last year would produce the sum of \$75,000 ; an amount almost equal to the ordinary expenses of the State government. The State cannot lose that large sum of money without materially affecting her finances. The first and most important duty that we owe to our immediate constituents and to the State at large, is to provide for the payment of the State debt. We cannot perform that duty by cutting off one of the principal sources of our revenue. The same reasons will apply to the several counties that do to the State. For these reasons the committee have directed me to report the said resolution back and recommend its indefinite postponement ;

Which was concurred in.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report :

MR. SPEAKER :

The committee on Ways and Means have directed me to report the following bill and recommend its adoption :

No. 16. A bill to amend the first, second, and third sections of an act entitled "an act for the more effectual, just, and equal assessment and valuation of the personal property, moneys, rights, credits, effects, and corporation stock in the State of Indiana ;" approved February 13, 1851 ;

Which was read a first time, and passed to a second reading.  
A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the resolution of the House appointing a committee to inquire and report to the General Assembly whether the acts providing for the amendment of city and town charters, &c., conflict with any provision of the constitution, and that Messrs. Dunn, Secrest, and Reid, have been appointed said committee on the part of the Senate.

Mr. Holman, chairman of the committee on the Judiciary, made the following report :

MR. SPEAKER :

The committee on the Judiciary, who were directed by a resolution of the House to report at the earliest practical period a bill providing for the election, duties, and compensation of a reporter of the Supreme court, have, in pursuance of said resolution, authorized me to report the following bill and recommend its passage, and ask to be discharged from the further consideration of the subject :

No. 17. A bill to provide for the appointment of a reporter and the speedy publication of the decisions of the Supreme Court ;

Which was read a first time, and passed to a second reading.

Mr. Huffstetter, chairman of the committee on roads, made the following report :

MR. SPEAKER :

The committee on Roads, to whom was referred a resolution asking certain changes in the general plank road law, have had the same under consideration and have directed me to report the same back and ask its reference to the committee on corporations ;

Which was concurred in.

Mr. Spencer, from the committee on the Organization of Courts of Justice, made the following report :

MR. SPEAKER :

The committee on the Organization of Courts of Justice, to whom was referred a resolution requesting said committee to inquire into the propriety of reporting a bill providing for the examination of lunatics who may desire admission into the Lunatic Asylum of the State, beg leave to report that they have had the subject matter of said resolution under consideration and submit the following bill as the result of their deliberations and respectfully recommend its passage :

No. 18. A bill providing for the examination and admission of insane persons into the Lunatic Asylum of the State of Indiana ;

Which was read a first time, and passed to a second reading.

On motion by Mr. Carpenter,

The annual Report of the Trustees of the Wabash and Erie Canal was referred to the committee on Canal Fund.

On motion by Mr. Brady,

The report of the Secretary of State was taken from the table and referred to the committee on printing.

Mr. Leviston, from a select committee made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of sundry citizens of Union county, have, according to order, had the subject matter of said petition under consideration, and have directed me to report the following bill, and recommend its passage :

No. 19. A bill for the relief of Sarah Suran.

Which was read a first time and passed to a second reading.

#### RESOLUTIONS OF THE HOUSE.

Mr. Graham offered the following resolution :

*Resolved*, That the Door-keeper of this House be instructed to envelope all documents coming to each member, and mark them paid ; and present the bill to each member for payment.

Which was not adopted.

On motion by Mr. Gibson,

*Resolved*, That the Judiciary Committee be instructed to report a

bill regulating the remission of fines and forfeitures, and if they deem the same expedient, a bill providing for an executive council to be composed of officers of the State, without whose advice and consent the Governor shall not have power to grant pardons in any case except such as may by law be left to his sole power.

On motion by Mr. Goudy,

*Resolved*, That the committee on Swamp Lands be instructed to inquire into the expediency of passing a law to protect the wild fruit on the land belonging to the State, with leave to report by bill or otherwise.

On motion by Mr. Suit,

*Resolved*, That the committee on Corporations be instructed to report a bill for a general railroad law.

Mr. Withers offered the following resolution:

*Resolved*, That the committee on Fees and Salaries be requested to report upon the propriety and expediency of reducing the fees and salaries of State and county officers, and also that said committee report a bill to allow a fixed salary for the county clerk, auditor, treasurer, and sheriff, instead of certain per centages as at present allowed in their respective counties.

Mr. Williams moved to amend the resolution by striking out all after the word "officers."

Which motion prevailed.

The question then recurring on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Davis of Franklin, and Smith of Spencer.

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, McConnell, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Tor-

bet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—89.

*Those who voted in the negative were,*

Messrs. Beach, Kent, and McDonald—3.

So the resolution was adopted.

On motion by Mr. Lindsay,

*Resolved*, That the Auditor of State be requested to furnish this house a detailed statement of the amount of surplus revenue distributed to the several counties under the act of 1836, also a list of counties since organized which received no dividends.

On motion by Mr. Gibson,

Mr. Hay of Clark obtained leave of absence on account of ill health.

On motion by Mr. Holman,

The reference of certain resolutions relative to the abolition of grand juries, was changed from the committee on the Judiciary, to the committee on the Organization of Courts of Justice.

On motion by Mr. Owen,

Mr. Marrs obtained leave of absence on account of ill health.

On motion of Mr. Stover,

Mr. Manson obtained leave of absence on account of ill health.

Mr. Smith of Marion offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of retaining the present Probate System, and so perfecting the same, as to ensure a more speedy and equitable settlement of estates, to require some evidence of qualifications of administrators; to dispense with final records so far as the same can be done with safety to the parties; and to make such other amendments as may in their opinion be just and proper.

On motion by Mr. Gookins,

The resolution was amended by changing its reference from the Judiciary committee, to the committee on the Organization of Courts of Justice.

The question then recurred on the adoption of the resolution; and the question being put, was decided in the affirmative.

On motion by Mr. Spencer,

*Resolved*, That the Door-keeper be authorized to employ an additional assistant.

Mr. Carpenter offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire into the propriety of reporting to this House a bill, providing that the property of every person dying intestate, to the value of five hundred dollars, shall descend to, and vest absolutely in the widow and children of any of such deceased person.

Mr. Carpenter moved to lay the resolution on the table.

Mr. Gibson moved to amend the resolution by making it one of inquiry instead of imperative.

The question being put on Mr. Gibson's proposition, was decided in the affirmative.

The question recurred on the adoption of the resolution, and being put ;

Was decided in the affirmative.

Mr. Stevens offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to report a bill modifying the grand jury system, reducing the number to six jurors.

Mr. Beach moved to amend the resolution so as to make it a resolution of inquiry.

Mr. Gookins moved to amend the amendment by referring the resolution to the committee on Organization of Courts of Justice.

Which motion prevailed.

The amendment was then agreed to.

The question recurred on the adoption of the resolution, and being put ;

Was decided in the affirmative.

Mr. Lindsay of Howard offered the following resolution :

*Resolved*, That the committee on Homestead Exemption report to this House, a bill exempting from seizure and sale on execution or other process, to all heads of families, one hundred and fifty dollars in property, selected at the option of the execution defendant ;

Which was not adopted.

On motion by Mr. Holman,

*Resolved*, That the committee on Corporations inquire into the expediency of so amending the laws on the subject of writs of foreign attachment, as to produce more certain and effectual remedies against foreign corporations, and report by bill or otherwise.

Mr. Hicks moved to take from the table the resolution offered by

Mr. Miller, inquiring into the expediency of abolishing the grand jury ;

Which motion did not prevail.

On motion by Mr. Henry,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of so modifying the common school law, that the English language should be taught in every school district, and that the public funds shall not be paid to any teacher who may not be qualified to teach English language.

On motion by Mr. Huffstetter,

*Resolved*, That the committee on Roads be authorized to employ a clerk, if in the opinion of said committee a clerk is necessary.

On motion by Mr. Spencer,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the necessity of a law regulating the amount of mileage to which such officers may be entitled as are by law required to attend at the State Capitol, and report by bill or otherwise.

On motion by Mr. Taggart,

*Resolved*, That the committee of Ways and Means be instructed to inquire into the expediency of so amending the revenue laws, as to abolish the publication of the delinquent list, and to cause the collectors to visit the tax-payers of their respective counties, and that his levies shall be made first on personal property where it can be found instead of real estate, and report by bill or otherwise.

Mr. Miller in pursuance of previous notice, obtained leave and introduced the following resolution :

*Resolved*, That the Speaker organize a standing committee of nine, to be called the committee on Revision, Phraseology and Arrangement, whose duty it shall be to revise and put in legal language the laws passed on at this session, and arrange the same in proper order, to act in concert with a similar committee of the Senate.

The resolution was adopted, and,

Messrs. Miller, Bryant, Owen, Crim, English, Lavery, Suit, Harrison, and Spencer, were appointed said committee.



On motion by Mr. Barker,

*Resolved*, That the committee on Roads be instructed to inquire into the expediency of passing a law to authorize the board of commissioners of each county to levy a road tax.

On motion by Mr. Williams,

*Resolved*, That the committee on Fees and Salaries be instructed to report a bill to reduce the clerk's fees in the probate courts.

On motion by Mr. McDonald,

*Resolved*, That this House will not receive but ninety-nine resolutions in any one day upon any and all questions that may come before it.

Mr. Smith of Spencer, under the rule, gave notice of a motion for leave to introduce

A bill authorizing clerks of the circuit courts to take the acknowledgements of deeds in certain cases.

Mr. Suit, in pursuance of previous notice, obtained leave and introduced a bill (No. 20) to divide the State into Congressional districts.

Which was read a first time and passed to a second reading.

Mr. Doughty, under the rule, gave notice of a motion for leave to introduce a bill to compute interest annually on notes and other obligations made payable to executors, administrators and guardians.

The Speaker laid before the House the following communication and the report therein referred to:

BRANCH BANK,                    }  
INDIANAPOLIS, Dec. 1, 1851.    }

Hon. J. W. DAVIS,

*Speaker of House of Representatives :*

Please lay before the House over which you preside the accompanying statement of the condition of this Bank, as exhibited by our books on the third Saturday of November, 1851.

Respectfully yours,

TH. H. SHARPE,  
*Cashier.*

On motion by Mr. Brady,  
The report was referred to the committee on Banks.

## ORDERS OF THE DAY.

*House Bills on Second Reading.*

No. 13. A bill to authorize the Grand Lodge of Free Masons of the State of Indiana, to erect and maintain a monument on the battle ground of Tippecanoe,

Was read a second time, and ordered to be engrossed.

No. 14. A bill for the subscription to and preservation of the public newspapers printed in the several counties of this State,

Was read a second time, and,

On motion by Mr. King,

Referred to the committee on the State Library.

No. 2. A joint resolution relative to American influence abroad, the Hungarian resolution and Louis Kossuth.

Was read a second time and ordered to be engrossed.

## HOUSE BILLS ON THIRD READING.

No. 11. A bill to authorize the secretary of State to furnish the clerks' offices of the several counties, copies of the local and general laws, and providing for binding the same ;

Was read a third time.

The question being shall the bill pass ?

And being put :

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huffstetter, Humphreys, Hunt, Kent, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, McAllister, McConnell, McDowell, Miller, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Torbet, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—85.

*Those who voted in the negative were,*

Messrs. McDonald and Suit—2.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Nelson, under the rule, gave notice of a motion for leave to introduce a bill to repeal so much of an act passed at the last session of the General Assembly as diverts certain funds heretofore belonging to the county of Allen to the city of Fort Wayne.

Mr. Gunn moved that the House adjourn to meet at two o'clock P. M.

Mr. Gookins moved to amend the motion to adjourn by proposing nine o'clock to-morrow morning as the time for meeting.

The question being put upon the proposition of Mr. Gookins ;

Was decided in the affirmative.

The question recurred on the motion to adjourn ;

And being put,

Was decided in the affirmative.

WEDNESDAY MORNING, 9 o'clock, }  
December 10, 1851. }

House met.

The journal of the preceding day was read and adopted.

PETITIONS, MEMORIALS, AND REMONSTRANCES PRESENTED.

By Mr. Suit ;

The petition of 100 citizens of Clinton and Tipton counties for a State road leading from Tipton to Frankfort ;

Which,

On motion,

Was referred to a committee of three consisting of Messrs. Suit, Lindsay and Hanna.

By Mr. Foster;  
The petition of sundry citizens of Hancock county, for a State road.

Which,

On motion,

Was referred to the committee on Roads.

By Mr. Buskirk;

A memorial on the subject of temperance;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Behm;

A memorial from ladies and gentlemen of this State on the subject of temperance;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Struble,

The petition of sundry citizens of Bartholomew county, praying the repeal of an act approved January 25th, 1847, regulating the fees of county Auditor;

Which,

On motion,

Was referred to the committee on fees and salaries.

By Mr. Major,

The petition of sundry citizens of Pleasant View, praying the incorporation of said town;

Which,

On motion,

Was referred to the committee on corporations.

#### REPORTS FROM COMMITTEES.

Mr. Stanfield, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred the petition of John Thompson and others for the relief of Nathan Smiley, has had the same under consideration, and directed me to report, that it is inexpedient to legislate upon that subject. All of which is respectfully submitted.

Which was concurred in.

Mr. Behm, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred the resolution relative to the propriety of introducing the surrogate system, have had the same under consideration, and have directed me to report the same back to the House, with a recommendation that it be referred to the committee on the organization of courts, and respectfully ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Owen, chairman of the committee on education, made the following report:

MR. SPEAKER:

The committee on Education, to whom was referred a resolution instructing them to inquire whether the fund now held by the State, derived from the sale of lands originally granted to her by the General Government, "for the use of a Seminary of Learning," cannot consistently with the terms of the grant, be applied to that Seminary of Learning commonly called "the System of Common Schools"; and, if so, whether the educational interests of the State will not be advanced by such application—have had that subject under consideration, and have instructed me to make the following

## REPORT.

The provision above referred to, embodying the grant to the State of Indiana, of land for a Seminary of Learning, is contained in an Act of Congress, approved April 19, 1816, and may be found at page 35 of the Revised Code of 1843, as follows:

"That one entire township of land, which shall be designated by the President of the U. S., in addition to the one heretofore reserved for that purpose, shall be reserved for the use of a Seminary of Learning, and vested in the Legislature of the said State, (of Indiana,) to be appropriated solely to the use of such Seminary by the said Legislature.

The same Act (same page,) also provides:

"That the section numbered sixteen, in every township, and when  
12 H

such section has been sold, granted or disposed of, other lands equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of such township for the use of schools."

The first question propounded by the resolution, to your committee, is, whether these two grants—the one of the sixteenth section, and the other of two townships of land—may be regarded as made for one and the same object; in other words, whether the words "Seminary of Learning" may be taken to mean a system of Common Schools.

It would be unparliamentary to imagine the question put otherwise than seriously and in earnest. As to a serious question, then, your committee reply :

*First.* That, according to a statement contained in the Report for the past year of the Superintendent of Common Schools, the system of Common Schools within the State consists of 5,899 such schools.

*Second.* Your committee is unacquainted with any philological license, according to which a Seminary of Learning can be construed to mean five thousand eight hundred and ninety-nine Common Schools.

*Third.* The Legislatures of the several States seem to be equally unacquainted with any such license of language. For, in every case in which the Act of Congress, containing the usual grant of two townships of land, has the words "Seminary of Learning"—as, for example, in the grants to Illinois, Arkansas and Florida—the General Assembly has established, with the proceeds of the land granted, a State College or University; never one or more Common Schools.

*Fourth.* Such license is unknown to the Statute Law of our State, which expressly declares the grant to have been made for a State University, as in Revised Code of 1843, Chap. 13, Sect. 26, reading thus:

"The University fund shall, as heretofore, consist of the lands, in Monroe and Gibson counties, granted for the use of the State University, &c."

*Fifth.* Congress has, in like manner, employed the words "Seminary of Learning" and "University" as synonymous; for example, in the Act of May 20, 1826, granting two townships to Michigan; the title of the said Act being "An Act concerning a Seminary of Learning;" while in the body of the law, the land is declared to be granted "for the use of a University."

Your committee therefore decide, that, whether we consult authority, or trust to common sense, the conclusion is alike inevitable,

that, in this connection, a Seminary of Learning does mean a State College or University, and does not mean a congeries of Common Schools, consequently, there is, under the charge of the State, no Seminary of Learning, except that one, known as Indiana University, and now located at Bloomington; and that the fund derived from the Monroe and Gibson County Townships cannot, consistently with the terms of the grant, be diverted from the support of the said University, to any other purpose whatever.

Your committee are further of opinion, that the fund in question cannot, even with the consent of Congress, constitutionally be employed except for the use of a Seminary of Learning; inasmuch as, by the 7th Section of the 8th Article of the Constitution of the State, it is provided, "that all trust funds held by the State shall remain inviolate, and be faithfully and exclusively applied to the purposes for which the trust was created."

The second question propounded to your committee is, whether, if the fund which now sustains a University could be applied to Common Schools, the educational interests of the State would not be advanced by such application.

The fact that each of the principal religious denominations in our State has succeeded in establishing and in sustaining a seminary of learning, under the name of a college or university, is deemed by your committee sufficient evidence that such institutions are regarded by a portion of the people as important or useful in their place. While these are maintained by private contributions, your committee do not perceive the wisdom or expediency of abolishing the only institution of similar grade in the State, which is uncontrolled by any one particular sect, and where young men in humble circumstances (to the number of two from each county in the State,) may claim without payment of college fees, a college education.

If in this connection we inquire what would be the gain to the people of the State by the abrogation of the State University, we find that the annual receipts from the University fund are about four thousand dollars; the total amount paid last year to professors and for incidental expenses, out of that fund, being \$4,172 09. But in the report of the Superintendent of Common Schools heretofore referred to your committee, the probable number of children within the State is set down at four hundred thousand. It follows that, if the annual proceeds of the University fund were divided equally throughout the State, the amount thence resulting to each child would be one cent and one sixth of a cent.

The question then propounded to your committee resolves itself practically into this, Will it advance the educational interests of the State to destroy the State University for the purpose of obtaining a fund which will enable the State to present at the close of each year, to every father or mother, less than one cent and two mills for each child in the family, as a contribution towards their education?

If a State University be of any service whatever, it ought not to be abandoned for an object so palpably insignificant as this.

If the attempt were actually made to dole out annually to parents throughout the State, a pittance so minute that we have scarcely among us a coin small enough to represent it, and they were informed that the coppers they received represented their share of the proceeds which once maintained in successful operation the University of Indiana, the whole would probably be regarded as in ill-timed jest on a serious subject.

Your committee are therefore of opinion that such division of the University fund would be illegal and unconstitutional, even if it were expedient, and inexpedient even if it were legal and constitutional.

Your committee believe, however, that in strict conformity with the terms of the grant, the fund in question may be made directly to subserve the cause of common schools, by establishing as a permanent branch of the State University, a normal department, for the training of common school teachers. Had the resolution referred to them made such a proposal, they would have reported unanimously in its favor.

Your committee believe such a department to be an essential branch of a common school system, and they think its introduction into the State University, would not only be useful and important in itself, but would tend to allay an agitation relative to the diversion of the University fund which can have no one good practical result, and which therefore intelligent men should discourage instead of fostering. Your committee ask to be discharged from the further consideration of the subject.

Which,

On motion by Mr. Holman,  
Was laid upon the table.

A message from the Senate by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has adopted the following resolution :

*Resolved*, That the committee on Phraseology and Arrangement of Bills now organized under the rules of the Senate, be changed to that of a joint committee, and that the House be respectfully requested to reciprocate this resolution by appointing a similar committee to act with that in the Senate, to be called "The committee on Revision, Phraseology and Arrangement of the Laws of the State."

Messrs. Reid, Holloway, Dunn, Defrees, Turman, Eddy, Secrest, Marshall, and Emerson were appointed said committee on the part of the Senate.



On motion by Mr. Owen,

The resolution contained in the message, was reciprocated by the House and the committee appointed under a resolution of this House on yesterday, viz:

Messrs. Miller, Bryant, Owen, Crim, English, Lavery, Suit, Harrison, and Spencer; were directed to act as the committee on the part of the House.

Mr. Stuart, chairman of the committee on the Organization of courts of Justice, made the following report:

**MR. SPEAKER:**

The committee on the Organization of Courts of Justice, to whom was referred sundry resolutions of inquiry as to the expediency of modifying and abolishing the grand jury system, have had the same under consideration; and as the result of their deliberations, I am instructed to report the following bill, and respectfully recommend its passage:

It may be proper to observe that on the main question, to-wit: the merits of the Grand Jury as a system, the committee are by no means agreed. The provisions of the bill now reported, may be regarded as a compromise of extreme opinions. On one thing however the committee are agreed, namely, that even admitting the Grand Jury system to be wrong in principle and mischievous in practice, still they would deem it rash and hazardous legislation to abolish it suddenly. They are deeply sensible of the distinction between that rational spirit which seeks to reform and to experiment cautiously, and that whose only mission seems to be to demolish.

The experiment of dispensing with the Grand Jury as a means of bringing offenders to justice, has never, it is believed, been tried in any country where the common law prevails, or free institutions exist. Even our sister States, which have so recently revised their organic laws, did not disturb this feature in criminal jurisprudence. In Kentucky, Michigan, Ohio and New York, the system of Grand Juries remains in full vigor, held in high estimation by the people of these States, as an essential element in the machinery of public justice; not merely to punish crime; but to protect innocence from unjust accusation. Had the institution nothing to commend it but its antiquity, and the consequent veneration due to it, such argument were easily disposed of. But even then the most radical reformer would lose but little of caste, or on the score of good taste, by gracefully conducting the venerable relic from the stage of action, with an honorable discharge for the services rendered. And this is not all. The institution, as has been intimated, is no such antiquated dotard. It has had its eulogists and admirers from the "time whereof the memory of man runneth not to the contrary." The graceful pen of Blackstone is not the only one wielded in its praise. It has, besides, practical testimonials of far more weight and value;

it stands a pillar in the temple of the Federal Government. Every State in the Union, with perhaps one exception, has infused regenerating vigor into its veins—has contributed to renew its youth. All the eulogiums ever passed upon it, have been endorsed over and over again by the State governments, and that too as it were but yesterday. And many and respectable are they, both in numbers and intelligence, who this very moment honestly regard the Grand Jury as a fundamental part of our free institutions.

To those who thus cling to the institution as to a life boat, we have but little idea what a sense of insecurity would follow the destruction of the Grand Jury, nor can we easily foretell the consequences of suddenly withdrawing an element which enters so largely into the very texture of all our institutions, both State and national. No one can even fancy how he himself would feel to be put on trial for a high crime on the mere oath of a reckless and desperate foe, bent on his ruin.

Under such circumstances, even though it were admitted that the Grand Jury system was a doomed institution, and its existence only a question of time, would it not be the part of prudence and good policy to proceed cautiously. Instead of cutting off suddenly and rashly such a potent element in our civil polity, let us rather withdraw it carefully and by degrees. Let the people feel by experiment that they are just as safe in their persons and property under the wing of six Grand Jurors as though they were protected by twelve or twenty-four of their peers; they will soon conclude there is no magic in numbers, and no great addition either of moral power or of safety in a multitude of inquisitorial counsellors. It is not permitted to your committee to examine very closely either into the theory or the practical workings of the Grand Jury system. Such course would not contribute much to harmony of views or profitable action. We have therefore adopted the conservative policy of recommending those modifications about which all were agreed, leaving further reform, if necessary, to future legislation. Perhaps it may not be out of place to glance briefly at some of the changes proposed by the bill, and the reasons which seemed to support them.

1st. *The number*—It was matter of much complaint that a body of fifteen or eighteen men should sit so long, at such great expense to the county. And when reference is had to the Grand Jury item in the published expenditures of most of the counties of the State, it will be found that the complaints were not wholly without foundation. The trivial character of many of the bills is some slight index of the frivolous inquiries which detained the Grand Jury, and teased and harassed witnesses, and complaints received additional force and point, from the fact that so few of the bills found resulted in conviction. Should it still be thought necessary to continue to the Grand Jury cognizance of minor offences, six jurors will be less expensive than sixteen; their very numbers will be a check on those

pushing frivolous enquiries to the extreme, because the responsibility of such grave trifling will be more concentrated and more felt.

2d. *The material.*—It will be perceived by reference to the old laws that the proposed change is not so much in the mode of selecting as in the quality of the material from which they are to be selected. Instead of embracing householders or freeholders the selection is limited to the acting magistrates of the respective counties. There are several grave reasons for this change; in the first place when the panel was not full on the first day of court, which was almost invariably the fact, the sheriff filled it up from the bystanders. Every attendant on courts, must have a lively recollection of the *faces* of *these* BYSTANDERS; and an abiding conviction of their eminent qualifications as Grand Jurors. On this subject the law commissioners of a sister State use the following language—equally pertinent and applicable to the laws of Indiana:

“It frequently happens that the requisite number do not attend; and the sheriff then summons a sufficient number to complete the panel. In the performance of this duty he is placed under no restrictions, but is at liberty to summon such persons as he may choose. Without intending to impute to any public officer the wilful neglect or corrupt performance of his duties, yet it cannot fail to strike the common sense of every man as somewhat unaccountable that the law after having made the most full provision for drawing the Jury by lot from the box in the presence of three sworn public officers; and after imposing upon them every restraint adapted to the prevention of unfairness should in the last resort have left the selection of sometimes a large portion of the grand Jury to the mere will of the officer whose caprice in the selection of the Jury originally it was the very object of the law to prevent.”

It is to be presumed that every township selects the most intelligent and worthy men for magistrates and to this class both the board doing county business in drawing, and the sheriff in selecting under the direction of the court, are limited. It is fondly and confidently hoped that in this way better material for the composition of a Grand Jury is secured, than the sheriff usually selects from the *by-standers*.

In the second place a large and important part of the administration of criminal Justice is lodged in the hands of these very magistrates. While they are presumed to bring to the discharge of their duties as Grand Jurors higher qualifications, they obtain important information as to the forms and the law of criminal proceedings in higher courts; and thus become better qualified for the humble duties of their own jurisdiction.

Several of the resolutions referred to us, contemplate retaining the Grand Jury as to numbers and powers; but propose, to make all its investigations public. This proposition strikes at the very vitals of the Grand Jury system, and if the system is to be retained at all, even in a modified form, your committee cannot concur in either the expediency

or policy of throwing open its investigations to the public, regarding such investigations as in fact they are only preliminary, if they are to be public, some say one man would be a great deal better than fifteen, as is daily illustrated in the case of committing magistrates. But there is this essential difference in the rules of investigation: in the one case the magistrate is bound to commit if in his opinion there is a probable case made out against the accused; in the other the Grand Jury finds a bill only on such evidence as in their opinion would, were they sitting as a traverse jury, be sufficient to convict beyond a reasonable doubt. Would it be prudent, or expedient, or safe to put the accused on final trial for a high crime on the mere finding of the committing officer that there was probable cause against him. It is not surely for the interest of the State that her citizens should be lightly accused of crime; such accusations if easily made may be very hard to repel though the accused be ever so innocent; even when acquitted the stain of the accusation remains. It is conceived that a large number of those cases which now never pass the portals of the Grand Jury room, would be investigated in public to the great scandal of innocent and unoffending persons. Besides would not the very publicity of the incipient steps deter the feeble and the timid from preferring an accusation though ever so well founded? Whereas, could the complaint be first made in the privacy of the Grand Jury room, these injured ones could better nerve themselves for the struggle of a public court. How often too, were the investigations public, would the darkest offenders be thus admonished to flee from the impending consequences of their crimes. It would be a question of very difficult and doubtful solution, how far any body of men could be able to take the testimony, in aggravated cases, in public, in the atmosphere, and under the very eye of a heated and exasperated community, and yet so preserve the even balance of their minds undisturbed by prejudice or passion, as to be able to distinguish this case as murder in the first degree, and that manslaughter with equal justice to all. It might be pertinently asked of the advocates of public examinations, how they should be conducted? Do they propose to have one public trial before the Grand Jury and another public trial before the traverse jury? Perhaps this might be considered by the defendant as rather too much of a good thing, one trial more than the accused had bargained for in his constitutional compact.

Those who object to Grand Juries because of the secrecy of their proceedings, forget that it is not a tribunal properly so called, but a measure of precaution used by the State to prevent as far as practicable the possibility of any of her citizens being put on trial for a heinous offence without good cause, to the scandal and disrepute of the innocent. It is not an engine of the State, but a shield to the citizen. It simply conceals from the public that which, for the sake of private feelings and public morals, should be concealed. It is only when the protection of society requires it—when the guilt of

the party accused is clear beyond a reasonable doubt—that the secrets of the jury room are divulged in the form of an indictment.

In whatever light the committee view this question, they cannot regard public examinations before Grand Juries favorably—as in any instance conducing to the safety of individuals or the good of the public; whilst the warmest advocates of such a course, must admit that it would be cumbrous, unweildy and expensive.

These, and other considerations that might be suggested, operated on the minds of the committee in framing the bill in question. They are, as has been intimated, by no means unanimous in opinion on the merits of the Grand Jury system. Even to this bill, which is a sort of compromise between extreme opinions, there is no member of the committee particularly wedded. To perfect the modification here begun, other acts should provide for limiting the crimes to which the inquiries of the Jury should extend; and as to many offences, exclusive or at least concurrent jurisdiction should be conferred on other courts. But on this one point, at least, the committee are unanimous that, whatever changes may be adopted, they should be made cautiously and on conservative principles. With these views they have prepared this bill and commend it to the consideration of the House.

No. 21. A bill to limit the number of Grand Jurors and to point out the mode of their election, and repealing all laws inconsistent with this act;

Which was read a first time, and passed to a second reading.

#### RESOLUTIONS OF THE HOUSE.

Mr. Gookins moved that 1000 copies of the Annual Report of the Trustees of the Wabash and Erie Canal be printed.

Mr. Gibson, moved to amend the motion, by striking out "1000" and insert 200;

Which was accepted.

The question then recurred on the adoption of the resolution, and the question being put,

Was decided in the affirmative.

Mr. Smith of Spencer offered the following resolution:

*Resolved*, That the committee on Roads be requested to so amend the road law that no person shall be compelled to perform more than two days' labor in one year on highways, only in cases of emergencies.

Which was not adopted.

On motion by Mr. Mudget,

*Resolved*, That the Judiciary Committee be instructed to inquire whether a general law authorizing county boards to levy the road tax for their respective counties would violate any provision of the constitution, and that said committee report their opinion to this House at their earliest convenience.

On motion by Mr. Glazebrook,

*Resolved*, That the committee on Education be instructed to report a law consolidating the common school funds of this State into one general fund for common school purposes.

On motion by Mr. Doughty,

*Resolved*, That the committee on Military Affairs be instructed to introduce a bill to encourage voluntary enrollment and the formation of volunteer corps, and to change the compulsory to a voluntary militia system.

On motion by Mr. Shanklin,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so altering the law in relation to fines and forfeitures, that the same, when collected, shall be paid to the treasurer of the township where the party against whom the fine or forfeiture shall be assessed if he shall reside within the county.

Mr. Holliday of Blackford offered the following resolution:

*Resolved*, That the committee appointed to provide for a Homestead Exemption be instructed to provide by law for allowing as exempt from seizure and sale on execution or other process, to all heads of families, property to the amount of one hundred and twenty-five dollars, to be selected at the option of the execution defendant.

Which was not adopted.

Mr. Gunn offered the following resolution:

*Resolved*, That a committee of seven be appointed, whose duty it shall be to report at their earliest convenience, a bill providing for a uniform mode of doing county business throughout the several counties of this state.

On motion by Mr. Gookins,

The reference was changed from the committee of seven to the committee on the Organization of Courts of Justice.

The question then being on the adoption of the resolution,  
Was decided in the affirmative.

Mr. Ray offered the following resolution:

*Resolved*, That the committee on Elections be requested to inquire into the expediency of so altering the present law that all citizens in this State now entitled to vote at any general election, may vote at any place in the county where he resides at the usual time and place of holding elections, and report by bill or otherwise.

Which was not adopted.

On motion by Mr. Hicks,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of so amending the "act for the more effectual, just, and equal assessment and valuation of personal property, moneys, rights, credits, effects, and corporation stock in the State of Indiana," approved February 13th, 1851, as to dispense with the necessity of leaving the blank list, and giving notice by assessors to persons required to list property for taxation, under the provisions of said act, and that said committee report by bill or otherwise.

Mr. Smith, of Spencer, in pursuance of previous notice, obtained leave, and introduced bill

No. 22. A bill authorizing the clerks of the circuit court, to take the acknowledgment of deeds in certain cases;

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House bills on second reading.*

No. 15. A bill to fix the time at which county treasurers shall be required to make their annual settlements with county auditors, and with the Auditor of State, and to authorize them to make deposits under the directions of Treasurer of State.

Was read a second time, and ordered to be engrossed.

No. 16. A bill to amend the first, second, and third sections of an act entitled an act for the more effectual, just, and equal assessment and valuation of the personal property, moneys, rights credits, effects, and corporation stock in the State of Indiana, approved February 13, 1851,

Was read a second time.

Mr. Stuart moved to amend by striking out all that part of said bill which relates to the old law, as it now stands, leaving only the matter which the bill proposes, as the law hereafter.

On motion by Mr. English,

The bill and proposed amendment were referred to the committee on the Judiciary, with instructions to inquire whether the provisions of the new constitution require a recital in the bill of the sections proposed to be stricken out.

No. 17. A bill to provide for the appointment of a Reporter, and the speedy publication of the decisions of the Supreme Court,

Was read a second time.

Mr. Holman offered the following amendment, viz:

WHEREAS, by the sixth section of article seventh of the amended constitution, the General Assembly is required to provide by law for the speedy publication of the decisions of the Supreme Court, made under the said constitution; and *whereas*, the interests of the State and the spirit of said section require that immediate steps be taken to secure a speedy publication of such decisions, by reason whereof an emergency exists that the law providing therefor should be in force from and after its passage; therefore,

Mr. King moved to commit the bill to the committee on the Judiciary, with instructions to amend section 1st, by striking out the words "the judges of the Supreme Court shall appoint an officer," &c., and insert, "the General Assembly shall elect," &c.

On motion by Mr. Kent,

The bill and pending amendments were laid upon the table and ordered to be printed.

No. 18. A bill providing for the examination and admission of insane persons into the Lunatic Asylum of the State of Indiana,

Was read a second time, and ordered to be engrossed.

No. 19. A bill for the relief of Sarah Suran,

Was read a second time, and,

On motion by Mr. Suit,

Was referred to the Judiciary Committee, with instructions "to inquire into the constitutionality of the bill."

No. 20. A bill to divide the State into Congressional districts,

Was read a second time, and,

On motion by Mr. Humphreys,

Referred to the committee on Districting the State into Congressional districts.

Mr. Davis of Franklin, moved to print the bill.

And, the question being put on referring,

Was decided in the affirmative.

The question then recurred on the motion to print; and being put,

Was decided in the negative.

#### HOUSE BILLS ON THIRD READING.

No. 13. A bill to authorize the Grand Lodge of Free Masons of



the State of Indiana to erect and maintain a monument on the battle ground of Tippecanoe,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, McCallister, McConnell, McDonald, McDowell, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—91.

No one voting in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 2. A joint resolution relative to American influence abroad, the Hungarian revolution, and Louis Kossuth,

Was read a second time.

On motion by Mr. McDonald,

The joint resolution was laid upon the table.

By the unanimous consent of the House,

Mr. Holman was permitted to amend a bill (No. 17) to authorize the Supreme Judges to appoint a Reporter for the Supreme Court, by adding the following :

SEC. 8. This act shall be in force from and after its passage.

Mr. Suit, from the committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The committee on Engrossed Bills have examined joint resolution No. 2, and bill No. 13, and find them correctly engrossed.

Mr. Brady moved that the House adjourn to meet at two o'clock P. M.

Mr. Gibson proposed nine o'clock to-morrow morning.

And the question being put on the time proposed by Mr. Gibson;  
 Was decided in the affirmative.  
 The question recurred on the proposition to adjourn;  
 And the question being put;  
 Was decided in the affirmative.

THURSDAY MORNING, 9 o'clock, }  
 December 11, 1851. }

The House met.

The journal of the preceding day was read.

The Speaker laid before the House a communication and memorial of John Schoder, late convict of the State Prison at Jeffersonville, Indiana;

Which,

On motion by Mr. Gunn,

Was laid on the table.

Mr. Litchfield, member elect from Whitley county, appeared, was sworn in, and entered upon the discharge of his duties.

The Speaker laid before the House the following communications from His Excellency the Governor:

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives,*

SIR:—You will please lay before the House of Representatives, the enclosed communication from me in answer to a resolution of that body on the subject of the swamp lands.

Yours, &c.,

JOSEPH A. WRIGHT.

*To the Honorable the House of Representatives :*

GENTLEMEN:—In conformity with a resolution of your body of the 5th inst., on the subject of the swamp lands, granted by the general government to the State of Indiana, on the 28th day of September, 1850: I have the honor to state, that, no portion of this grant has as yet been confirmed to the State.

The enclosed correspondence will show you, that every exertion has been used on the part of the executive, to procure such confirmation and the present condition of the whole matter.

The entire quantity of land to which we are entitled, from the best information in my possession will be about one million two hundred and twenty-five thousand acres. The quantity confirmed may vary from this considerably on the final examination by the general government and State officers.

I know of no reason why the grant of lands as selected, should not be confirmed by the general government, so soon as time will enable the officers to make a full investigation of the maps, lists, &c.

I should think, from the last communication of the Commissioner of the Land Office, that the patents to the State might be forwarded for the whole of the lands by the 1st of March, 1852, unless some difficulty should arise, that is not now anticipated. Ours was the first State that selected lands under this act. All the rules and regulations that were necessary to be adopted by the General Land Office, to carry out this grant, were in relation to our State. In some of the adjoining States no steps have yet been taken to complete the work. By the new Constitution this grant of lands is set apart to Common School purposes, after deducting the expense of selections and draining the same. It is our duty not only to carry out the objects of this grant, but to realize as large an amount as possible from the same.

By your resolution you ask me for any information or suggestion that I may consider useful to enable the House to determine upon some definite action in reference to said lands.

It is difficult to determine what is the best course to pursue, to carry out the objects in view by this grant, and at the same time to bring them into market, and fit them for cultivation, &c.

I would, however, suggest the following: that the lands, after due notice, should be offered at public auction; that the highest price may be realized for the same; that for the present no less sum than the government price of lands be taken per acre.

The State should not undertake to drain or ditch any of the lands, without providing for the appointment of a practical engineer or commissioner, whose duty it shall be to examine the great body of these lands, situated principally in the north, who shall make a report at the next session of the Legislature, showing the condition of the lands, the proper method of draining them and the expense of the same.

It will doubtless be the duty and interest of the State, within a limited period of time, to adopt a system of graduation of prices, so as effectually to ensure their sale and occupancy.

It must be recollected that the State claims that this was a grant *in presenti*, to take effect on the day of its passage, of all the lands situated within this State, coming within the meaning of the act and instructions.

A very large amount, say from twenty-five to thirty thousand acres of these lands, have been sold by the General Government, for money and county land warrants, the evidence being now on file in

the General Land Office—the same having been sold prior to the selections, and after the date of the act aforesaid. If we fail to obtain the money from the General Government for these lands, or other lands in lieu thereof, you should call the attention of our members of Congress to this subject, that the State may obtain relief by an act of Congress.

The officers of State have provided books and forms under the act of the Legislature of last session for the sale of these lands by the registers and receivers of the land office.

The matter was fully investigated by that body and that system devised, and I have so far seen no better suggestion for the disposal of these lands. It will be seen by the letter from the land office bureau of the 28th of November, 1851, that the maps and lists will have to be examined and accepted by me prior to the making of the patent. This will require more time at present than I can devote to the subject. I therefore suggest the appointment of a clerk to attend to this duty.

These views are hastily presented in answer to your resolution. This is a grant to the State of great interest, and you are better prepared, coming immediately from the people, to know their views on this subject, and the condition of the lands, than I can possibly be.

I shall, therefore, cheerfully concur in any system there may be devised to make this great trust available for the objects of the grant.

JOS. A. WRIGHT.

Dec. 10, 1851.

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GENERAL LAND OFFICE, }  
April 26th, 1851. }

SIR: I have the honor to acknowledge the receipt of your letter of the 18th inst., requesting that speedy action may be had in relation to the swamp land location, in the Winamac land district, and have to advise you the land officers at that place were, on the 25th inst., requested to forward to this office evidence of the official character of the agents by whom those selections were made. So soon as this shall have been received, the lists will be taken up and disposed of.

With great respect,

Your obd't servant,

J. BUTTERFIELD,

*Commissioner.*

His Excellency, JOSEPH A. WRIGHT,

*Governor of Indiana, Indianapolis, Ind.*

INDIANAPOLIS, Ind., June 21st, 1851.

HON. J. BUTTERFIELD,—

SIR: I have to call your attention to the importance of prompt action on the subject of the swamp and wet lands of Indiana. There is a large quantity of these lands, and the citizens of certain portions of our State are very anxious to obtain possession of the lands with a view to draining, ditching, &c., that they may be cultivated and become taxable. You have received before this the evidence under your late instructions of the character of the persons who selected the lands as county surveyors, and I hope it will not interfere with the other duties of your office to give the land selected in our State an early examination as made by the land officers of the States.

I shall be pleased to hear from you upon this subject.

Yours very respectfully,

JOSEPH A. WRIGHT.

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GENERAL LAND OFFICE, }  
June 27th, 1851. }

SIR: I have the honor to acknowledge the receipt of your letter of the 21st inst., requesting that an early examination of the swamp land selections in Indiana may be made, for the reason that many citizens of the State are desirous of obtaining possession thereof, and to reply that, the list of selections are now being examined, but as the lands selected amount to about one million acres, to post them in the tract books, correct errors, (involving the necessity of correspondence with the local officers,) and make out correct lists and plats, preliminary to the issue of a patent as required by the law, will occupy at least three or four months.

I am with great respect,

Your obd't servant,

JOHN WILSON,  
*Acting Commissioner.*

His Excellency, Jos. A. WRIGHT,

*Governor of Indiana, Indianapolis, Ind.*

INDIANAPOLIS, INDIANA, }  
 July 2d, 1851. }

HON. JOHN WILSON,

*Acting Commissioner of General Land Office:*

SIR:—I am in receipt of yours of the 27th of June. Your attention is most earnestly called to the propriety of confirming the swamp lands selected by the authorities of the State under the instructions of your department by counties, land districts or ranges and townships, that the patent may be forwarded at once for the quantity confirmed, without waiting for the making of a patent for all the land selected in the State. If the State has any preference which land office selections should be settled first by your department, it would be the Winamac district. You are perhaps not aware of the importance it is to the State to have these lands immediately brought into market, drained and made tillable. The present prospect of railroads and other improvements in the State would at this time greatly aid in bringing into market, and disposing of these lands, as well as making them productive, increasing our taxes, &c. I do think strange of the requirement of your department, when they insist upon having forwarded to Washington the evidence in the Register's office, that the persons selecting the lands were county surveyors.

I had always supposed that when a department of this government required of an inferior department the discharge of a certain duty, by certain officers in a given way, that if a return was made purporting to have discharged that duty in the way pointed out, the presumption would be that it was done as required. But the rule seems to be reversed. The presumption of your department by this decision is, that it was not done by the officers as required, or in the method pointed out. I cannot see to what length this doctrine would run, if practically carried out. With all due respect I must differ from the adoption of such a principle. I trust your department will give this question another examination, and that the authorities of the State will be able to bring a portion of the lands into market before the time intimated in your communication for finishing the work in your department.

I have the honor to be, yours very respectfully,  
 JOSEPH A. WRIGHT.

GENERAL LAND OFFICE, }  
JULY 29th, 1851. }

SIR:

I have the honor to acknowledge the receipt of your letter of the 2d inst., in reply to mine of the 27th ult., in which you complain of the length of time which I intimated it would take to complete the work connected with the swamp land selections in Indiana, and requesting, instead of waiting until the office is prepared to issue one list and patent for all the swamp lands in the State, that separate ones may be made out for each district, commencing with Winamac.

I can assure your Excellency, that with every desire and intention to expedite the work as much as is practicable, consistently with correctness, it cannot be completed in a shorter period than that indicated, if in that. The lists have first to be compared with the tract books, to ascertain whether they were vacant at the date of the act: if errors are found to exist, to correspond with the local officers with a view to their correction; post them and prepare the plats. This all occupies time, especially the correction of errors, which are not a few; one entire list having been returned in consequence of the Register having embraced in it all the swamp lands in his district, regardless of whether they were vacant or not. I have also to reply that separate lists and patents by districts cannot be made out. The law provides "that it shall be the duty of the Secretary of the Interior, as soon as may be practicable after the passage of this act, to make out an accurate *list* and plats of the lands," and cause a patent to be issued to the State therefor.

The italicising is my own.

You have been pleased to animadvert upon the course of this office in requiring evidence to be filed here of the official character of the agents by whom the State selections were made, and to regard our action as a reversal of the principle that every officer is presumed to act within the sphere of his duty, and according to law.

Now in reference to this, I beg leave to state, that had the selections been received here through the Governor under his seal of office, or from any officer with a showing that he held authority by State executive appointment, or in virtue of a State law, we would have asked for nothing more, and treated the proceedings as regular and satisfactory; but instead of that the lists were sent here by the Registers of the several land offices, without showing by whom the selections were made, or whether, in fact, they were made at all by any person claiming to act under authority from the State. You will not fail to see that an official recognition of such loose and irregular proceedings would be entirely irreconcilable with a proper administration of such concerns.

I must beg leave then to add with perfect respect to you personally, and officially, that I am at a loss to discover what application the principles alluded to by you has to our requirements in the premises and flatter myself that this statement of facts will disabuse your mind of the impressions adverted to, and satisfy you that your animadversions have been misapplied.

With great respect,

Your obed't. serv't.,

J. BUTTERFIELD,

*Commissioner.*

His Excellency JOSEPH A. WRIGHT,

*Governor of Indiana, Indianapolis, Indiana.*

INDIANAPOLIS, INDIANA, Aug. 18th, 1851.

HON. J. BUTTERFIELD,

*Commissioner of the Land Office.*

SIR:—Yours of the 29th of July is at hand. I am gratified to learn that your department is expediting the examination of the returns with tract books preparatory to making out the patent, and that a strong desire is manifested to complete the work. I would like to learn from your department if all the returns are on file from the Indiana Land Offices. If any are yet delayed, by informing me due exertions will be made to complete the same, and have them forwarded to your department, for I assure you that the State is very desirous to have this work completed.

I apprehend that your department does not comprehend the obligations made to the instructions of the 26th April, 1851.

In your instructions of Nov., 1850, you request the selections of these lands to be made (under the charge of the officers of State) by the county surveyors or other persons, to be returned under oath to the Registers of the Land Office. This having been done by the county surveyors, in every county of the State, under oath, duly authenticated by the seal of a justice of the peace or notary public, and copies of those returns forwarded to your department, I did think strange of your letter of the 26th of April, 1851, wherein you require the officers of the Winamac Land District to forward to your office evidence of the official character of the agents by whom the selections were made. All that I contend for is, that the returns made out in conformity with your instructions of November, 1850, sworn to before an officer, makes out a prima facie case, that the presumption of the law is, the person fills the character that the affiant swears to in the record, and that coming from an officer (the Register of the Land Office) holding his office from your department—



that surely the case was made out when, in addition to the oath setting forth the character of the affiant that makes the selections, the land officer communicates the same in accordance with your instructions of Nov. 1850. I may in all this, however, mistake the tenor of your instructions of 1850 (a copy of which I have not now before me) and if I have misunderstood the same, I admit the principle by me laid down can have no application.

Yours most respectfully,

JOS. A. WRIGHT.

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GENERAL LAND OFFICE, }  
August 25, 1851.

SIR,—I have the honor to acknowledge the receipt of your letter of the 18th inst., in reply to mine of the 29th ult., and to advise you that returns have been received from all the Districts in Indiana, except from Indianapolis.

With great respect,

Your ob't serv't,

J. BUTTERFIELD,

*Commissioner.*

His Excellency JOSEPH A. WRIGHT,

*Governor of Indiana, Indianapolis, Ind.*

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INDIANAPOLIS, IND., October 27, 1851.

HON. J. BUTTERFIELD :

SIR :—As the time is now near at hand when the Legislature will assemble, I am anxious to be able to report the condition of the wet lands in our State. It was supposed by your department, in your last letter, that the patent would be furnished by this time, but not knowing the length of time it will yet take to make the necessary examinations, &c., preparatory to making the patent, I drop you this line with the view of ascertaining at what time we may expect the patent. Will it be by the 20th of November? If the same is forwarded by that time, it will be received before the meeting of the Legislature.

I should be pleased to have an early reply.

Yours very respectfully,

JOSEPH A. WRIGHT.

GENERAL LAND OFFICE, }  
November 28, 1851.

Sir:—In further reply to your telegraphic dispatch of the 27th inst., I have the honor to advise you that it is hoped the office will be able to complete the maps showing the swamp lands in Indiana, during the ensuing month. The maps and lists for the Jeffersonville, Crawfordsville and Fort Wayne districts are now finished, and will be sent to you next week to be again returned with your acceptance noted thereon, as the lands to which the State is entitled in those districts.

With great respect,  
Your obedient servant,  
J. BUTTERFIELD,  
*Commissioner.*

HON. J. A. WRIGHT,  
*Governor of Indiana, Indianapolis, Ind.*

Mr. Smith of Spencer, moved to lay the communications on the table, and to print 100 copies;

Which motion did not prevail.

On motion by Mr. Nelson,

The communications were referred to the committee on Swamp Lands.

PETITIONS, MEMORIALS &C. PRESENTED.

By Mr. Hicks;

The petition of Silas Needham and others, praying for the view and location of a State road in Jennings and Jefferson counties.

On motion by Mr. Hicks,

The petition was referred to the committee on the Judiciary with the following instructions:

That the committee inquire into, and report, whether in their opinion the constitution prohibits the legislature from passing a law in accordance with the prayer of the petitioners, in the petition of Silas Needham and others.

By Mr. Lewis;

The petition of certain officers of the county of Warrick relative to enhancing the fees of their County Auditor;

Which,

On motion,

Was referred to the committee on Fees and Salaries.

## REPORTS FROM COMMITTEES.

Mr. Gibson, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary who were instructed by a resolution of the House, "to inquire whether a general law authorizing county boards, to levy the road tax for their respective counties, would violate any provision of the Constitution," have had the same under consideration, and have directed me to report, that in the opinion of said committee, such a law would not violate any provision of the Constitution, the uniform operation of a law referring to its general application alike to all the counties of the State, and not to the extent of the exercise of the powers it may confer, or the duties it may impose.

Which was concurred in.

Mr. Behm, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred bill of the House No. 19, "a bill for the relief of Sarah Suran," have had the same under consideration, and have directed me to report that in the opinion of said committee, the provisions of said bill are in direct conflict with Sec. 23 of Art. 4 of the constitution, as a general law of uniform operation throughout the State, if deemed necessary, may be enacted, affording the relief contemplated by said bill; said committee therefore recommend the indefinite postponement of said bill, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Beach, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The Judiciary Committee, to whom was referred a resolution inquiring into the expediency of so changing the law in relation to fines and forfeitures, that the same, when collected, shall be paid to the treasurers of the respective townships where they accrue, have had the same under consideration and have directed me to report the same back to the House, and recommend its reference to the com-

mittee on education, and respectfully ask to be discharged from further consideration of the subject.

Which was concurred in.

Mr. Holman, chairman of the Judiciary Committee, made the following report :

MR. SPEAKER :

The committee on the Judiciary to whom was referred bill of the House, No. 16, "a bill to amend the first, second, and third sections of an act entitled 'an act for the more effectual, just, and equal assessment and valuation of the personal property, moneys, rights, credits, effects and corporation stock in the State of Indiana,' approved February 13, 1851, and amendment pending thereto," with instructions "to inquire whether the provisions of the new constitution require a recital in the bill of the sections proposed to be amended or stricken out," have had the same under advisement, and have directed me to report that it is the unanimous opinion of the committee that the following language, "but the act revised, or section amended shall be set forth and published at full length," being the last clause of Sec. 21, of Art. 4 of the constitution, does not require or contemplate that the act to be revised or the section to be amended, should be set forth in the law intended to accomplish either of those purposes, but that a law setting forth the act as revised, or the section as amended, would be in conformity with the spirit and purport of said clause; this, in the opinion of the committee, is not only the reasonable construction of the phraseology of said section, but conforms to its spirit and the design of its adoption. It is further the unanimous opinion of the committee that in repealing a section of an act, a recital of the section to be repealed or stricken out, is not required or contemplated by any provision of the constitution; therefore the committee report back the bill and amendment and recommend concurrence in the proposed amendment.

Mr. Donaldson moved to concur in the report of the committee, and to print 100 copies thereof; and the question being put,

The ayes and noes were demanded by Messrs. McDonald and Donaldson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Dougherty, Douthit, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Gunn, Hanna, Harrison, Hart, Hays of White, Helmer,

Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—92.

*Those who voted in the negative were,*

Messrs. Graham, McDonald, and Suit—3.

So the report was concurred in, and 100 copies ordered to be printed.

On motion by Mr. Buskirk,

The bill was recommitted to the committee on Ways and Means.

Mr. Owen, chairman of the committee on Education, made the following report:

**MR. SPEAKER :**

The committee on Education, to whom was referred a resolution instructing them to inquire into the expediency of so modifying the common school law that the English shall be taught in every school district, and that district school teachers shall, in all cases, be qualified to teach English, have had that subject under consideration, and directed me to report, that such is the provision of the present law, therefore further legislation in the premises is unnecessary; and they ask to be discharged from further consideration of the subject. ;

Which was concurred in.

Mr. Owen, chairman of the committee on Education, made the following report :

**MR. SPEAKER :**

The committee on Education, to whom was referred a resolution instructing them to inquire into the importance of a law to sell the school sections in the several townships where they are yet unsold,

have had that subject under consideration, and have instructed me to make the following

## REPORT :

The law now provides that such school sections may be sold whenever a majority of the qualified voters vote for its sale. Without their consent it cannot be sold ; the proviso in the law of Congress authorizing the State of Indiana to sell her school lands, approved May 24, 1828, being as follows :

“ Provided said land or any part thereof, shall, in no case, be sold, without the consent of the inhabitants of such township or district, to be obtained in such manner as the Legislature may direct.”

Further legislation, therefore, on the subject is unnecessary ; and your committee ask to be discharged from its consideration ;

Which was concurred in.

On motion by Mr. Brady,

The vote on printing 200 copies of the Annual Report of the Trustees of the Wabash and Erie Canal was reconsidered.

Mr. Brady suggested that 800 copies be printed.

Mr. Gookins moved to amend the proposition by striking out 200 and inserting 1000 ;

Which motion prevailed.

The question then recurred on the proposition to print, and was decided in the affirmative.

The Speaker laid before the House the following communication from the Treasurer of State :

OFFICE OF TREASURER OF STATE, }  
Indianapolis, Dec. 8th, 1851. }

Hon. J. W. DAVIS,

*Speaker of House of Representatives :*

SIR:—In compliance with a resolution of your body, requesting me to furnish a statement of the number of acres of Swamp Lands selected in each county in the State, the obstacles that exist, if any there be, to the completion of the selections yet to be made, together with the number of acres sold in each county, and the probable or

estimated expense per acre of draining the same, I have the honor to submit the following

## REPORT.

## NUMBER OF ACRES SELECTED.

Howard county	5,547.26
Jennings "	757.36
Miami "	336.00
Decatur "	707.86
Johnson "	160.00
Perry "	298.38
Posey "	7,175.09
Monroe "	3,400.02
Steuben "	8,559.85
St. Joseph "	49,669.00
Greene "	23,488.88
Clinton "	1,648.96
Jay "	2,158.17
Adams "	1,930.40
Spencer "	9,240.00
Bartholomew "	1,605.00
Ripley "	1,520.00
Fulton "	25,700.68
Tippecanoe "	120.00
Noble "	7,840.10
Allen "	13,809.54
Whitley "	4,025.36
Sullivan "	10,405.72
Gibson "	46,697.67
Vigo "	4,232.00
Warrick "	8,192.77
Blackford "	1,155.12
LaGrange "	7,949.00
Orange "	600.00
Knox "	28,710.15
Madison "	5,947.33
Wells "	2,435.54
Lawrence "	839.49
DeKalb "	6,796.11
Martin "	5,002.13
Morgan "	1,756.71
White "	64,320.00
Porter "	55,305.69
Pulaski "	122,394.00

NUMBER OF ACRES—*Continued.*

Starke	"	90,462.00
Clay	"	7,360.75
Laporte	"	83,732.76
Owen	"	108.50
Kosciusko	"	30,223.60
Pike	"	16,092.60
Washington	"	9,646.54
Cass	"	6,134.73
Jackson	"	23,264.09
Boone	"	4,670.00
Brown	"	2,040.00
Montgomery	"	160.00
Parke	"	1,914.00
Marshall	"	45,280.00
Huntington	"	715.00
Fountain	"	320.00
Daviess	"	25,117.00
Crawford	"	200.00
Dubois	"	5,895.76
Total		<u>895,774.67</u>

The number of acres reported by the Registers of the various Land Offices, is as follows, to-wit:

Winamac	884,097.74
Fort Wayne	67,340.04
Vincennes	195,269.75
Indianapolis	35,000.00
Crawfordsville	20,000.00
Jeffersonville	25,000.00
Total	<u>1,226,707.53</u>

The amount reported by the Registers is much greater than that by the county surveyors, for the reason that that portion of the *wet lands* originally reported by the United States surveyors was not furnished by the Registers to the surveyors, under the late act of Congress, but, instead, reported to the General Land Office.

Upon comparison of the late reports with the books of the General Land Office, it will probably appear that a considerable propor-



tion of the lands selected has already been sold, and the above reported amount will be correspondingly reduced.

No obstacles exist to the completion of the selections, and the county of Benton is the only one yet to report.

I have no data by which to determine the number of acres sold in each county. The Governor is, I believe, preparing a report, which will approximate the total amount of the sales.

I have no means of ascertaining the "expense per acre of draining" these lands. A large portion will most probably sell, if the State shall incur no such expense. For further information upon this subject, I would refer you to the report of the Governor of this day's date.

I have the honor to be,

Very respectfully,

Your obedient servant,

J. P. DRAKE,

*Treasurer.*

Which report,

On motion by Mr. Brady,

Was referred to the committee on Swamp Lands, and 500 copies were ordered to be printed.

The Speaker laid before the House the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, December 10, 1851. }

HON. J. W. DAVIS,

*Speaker of the House of Representatives :—*

SIR: In compliance with a resolution of the House, I have the honor to submit the following statement of the distribution of surplus revenue, under the act of February 6th, 1837:

Counties.	Amount.
1 Allen.....	\$5,774 56
2 Adams .....	1,062 80
3 Bartholomew .....	7,737 20
4 Boone .....	5,604 51
5 Brown.....	2,125 60
6 Clark.....	11,060 24
7 Clay .....	3,967 78
8 Crawford .....	3,996 14
9 Carroll .....	6,001 29
10 Cass.....	6,993 24

STATEMENT—*Continued.*

	Counties.	Amount.
11	Clinton .....	5,136 88
12	Dearborn .....	15,793 24
13	Decatur .....	9,444 76
14	Daviess .....	5,569 08
15	Dubois .....	2,706 60
16	Delaware .....	5,725 00
17	De Kalb .....	2,125 60
18	Elkhart .....	5,821 24
19	Fayette .....	9,225 13
20	Floyd .....	8,913 37
21	Franklin .....	11,010 64
22	Fountain .....	11,350 74
23	Fulton .....	2,125 60
24	Gibson .....	7,630 92
25	Greene .....	4,959 74
26	Grant .....	3,294 68
27	Hamilton .....	6,235 11
28	Harrison .....	11,081 49
29	Hendricks .....	9,940 75
30	Henry .....	12,505 64
31	Hancock .....	6,001 28
32	Huntington .....	2,125 60
33	Jackson .....	6,936 56
34	Jefferson .....	13,334 62
35	Jennings .....	5,887 92
36	Johnson .....	8,304 03
37	Jay .....	2,125 60
38	Knox .....	8,821 26
39	Kosciusko .....	2,125 62
40	Lawrence .....	10,202 91
41	La Grange .....	4,322 06
42	La Porte .....	8,133 98
43	Lake .....	2,125 60
44	Madison .....	6,192 60
45	Marion .....	14,560 40
46	Martin .....	3,238 00
47	Monroe .....	7,935 59
48	Montgomery .....	13,625 13
49	Morgan .....	8,729 14
50	Miami .....	3,145 89
51	Marshall .....	2,125 60
52	Noble .....	2,125 60
53	Orange .....	7,581 31
54	Owen .....	6,143 00
55	Parke .....	5,551 37

STATEMENT—*Continued.*

Counties.	Amount.
56 Perry .....	4,371 66
57 Pike .....	4,194 52
58 Posey .....	8,020 62
59 Putnam .....	13,540 10
60 Porter .....	2,805 80
61 Randolph .....	7,170 38
62 Ripley .....	6,986 16
63 Rush .....	14,716 28
64 Scott .....	4,180 36
65 Shelby .....	10,783 91
66 Spencer .....	4,534 62
67 Switzerland .....	8,800 00
68 St. Joseph .....	6,270 54
69 Sullivan .....	6,674 40
70 Steuben .....	2,125 60
71 Tippecanoe .....	13,129 16
72 Union .....	7,630 92
73 Vanderburgh .....	4,342 92
74 Vermillion .....	8,289 86
75 Vigo .....	10,047 02
76 Warrick .....	2,479 87
77 Washington .....	12,541 08
78 Wayne .....	21,794 55
79 Warren .....	6,220 94
80 White .....	2,125 60
81 Wabash .....	2,125 60
82 Wells .....	2,125 60
Total .....	<u>\$564,348 31</u>

The following counties have been organized since the date of said distribution, to-wit:

Ohio county,  
Pulaski county,  
Jasper county,  
Tipton county,

Blackford county,  
Benton county,  
Starke county,  
Howard county,

Whitley county.

Respectfully, &c.,

E. W. H. ELLIS,

*Auditor of State.*

Which,

On motion by Mr. Lindsay,

Was referred to the committee on Education.

Mr. Hunt, from the committee on Ways and Means, made the following report:

Mr. SPEAKER:

The committee on Ways and Means, to which was referred a communication from the Auditor of State in relation to the reduction of the aggregate valuation of real estate in Lagrange county, without authority and in violation of law," have had the subject under consideration, and directed me to report the following joint resolution, and respectfully recommend its passage:

No. 3. A joint resolution relating to the illegal reduction of the aggregate valuation of real estate in Lagrange county;

Which was read a first time.

On motion by Mr. Owen,

The rule was suspended, and the joint resolution was read a second time.

On motion by Mr. Owen,

The joint resolution was recommitted to the committee on Ways and Means, with the following instructions:

To report the substance of the same in the shape of a bill, and applicable as a general law.

#### RESOLUTIONS OF THE HOUSE.

On motion by Mr. Huffstetter,

*Resolved*, That the committee on education be instructed to inquire what amount of saline land belonging to the State of Indiana, remains unsold, and whether the same can be sold at the minimum price of other public lands, and if not, ask Congress to pass a law giving to the General Assembly of this State power to sell said lands at such a price as they deem proper, to report by joint resolution or otherwise.

On motion by Mr. Cockrum,

*Resolved*, That the committee on Education be, and they are hereby instructed to take into consideration the expediency of so amending the common school law, so that the board of examiners of the qualification of teachers, are only compelled to attend to that business on the first Saturday in each month; and that one of them act as clerk, and keep a record of all the persons that they give

certificates to as qualified, and said certificates shall be good in a county without annually renewing; and said board be allowed a reasonable compensation for the same, to report by bill or otherwise.

On motion by Mr. Stover,

*Resolved*, That the committee on the Organization of Courts of Justice be instructed to inquire into the expediency of so modifying the grand jury system, that the grand jury shall have jurisdiction of such crimes only as are punishable by imprisonment in the State Prison.

On motion by Mr. Lavery,

*Resolved*, That the committee on Education inquire as to the expediency of consolidating the school funds of this State, and report by bill or otherwise.

On motion by Mr. Lindsay,

*Resolved*, That the committee on Education be requested to inquire into and report to this House whether some provision cannot be made for counties not organized at the time of the distribution of the surplus revenue, so that they may enjoy some of the benefits arising from said fund for the progress of education within their limits.

On motion by Mr. Carpenter,

*Resolved*, That the committee on the Judiciary be instructed to inquire whether, under the laws now in force, prosecuting attorneys in the fourth and eighth judicial circuits are entitled to the same compensation as prosecuting attorneys in the other judicial circuits of this State; and, if not, that they be instructed to report to this House a bill, making the provisions of the act, entitled "an act to repeal an act therein named and to revise the statute of 1843, relative to the election of prosecuting attorneys," approved February 14, 1851, general, and applicable to prosecuting attorneys in the said 4th and 8th judicial circuits, and repealing the act entitled "an act to provide for the election of prosecuting attorneys in the fourth and eighth judicial circuits," approved January 16th, 1849, so that the compensation of prosecuting attorneys shall be uniform throughout the State.

Mr. Davis of Franklin offered the following resolution :

*Resolved*, That all fines collected for breaches of the peace be placed in the school fund of the township in which such fines are collected ;

Which,

On motion,

Was referred to the committee on Education.

Mr. Smith of Spencer offered the following preamble and resolution :

**WHEREAS**, The poor man has, in many counties in this State, to perform from ten to fifteen days' work on the highways each year, and has nothing but his foot to put on the road ; while the rich man is in the daily use of the roads, with his wagons, carts, and carriages, and does not perform one hour of labor during the year, nor does he pay one cent of road tax, there being none levied. To remedy this piece of injustice,

*Resolved*, That the committee on Roads inquire into the expediency of so modifying the road law that no person shall be compelled to perform more than two days labor in one year, only in case of emergency ; and for the purpose of keeping said roads in repair there shall be a road tax levied.

Which was adopted.

On motion by Mr. Graham,

*Resolved*, That the committee on Ways and Means be requested to inquire into the propriety of so changing our assessment law, that property shall be assessed according to the amount on hand on the first day of March, rather than the first day of January, as the law now is.

On motion by Mr. Davis of Franklin,

*Resolved*, That a committee of three on behalf of the House be appointed to act with a like committee on behalf of the Senate, to

examine into and report upon the accounts of the Secretary of the Treasury and Auditor of State.

Messrs. Davis of Franklin, Leviston, and Dobson were appointed said committee on the part of the House.

Mr. Doughty, in pursuance of previous notice, obtained leave and introduced

No. 23. A bill to compute interest annually upon notes or other obligations made payable to executors, administrators, and guardians ;

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 21. A bill to limit the number of grand jurors, and to point out the mode of their selection, and repealing all laws inconsistent with this act ;

Was read a second time.

Mr. Holliday of Blackford moved to recommit the bill to the committee on the Organization of Courts of Justice, with instructions to abolish grand juries.

The ayes and noes were demanded by Messrs. Holliday of Blackford and Smith of Spencer.

Mr. English moved to lay the bill on the table.

The question being put,

The ayes and noes were demanded by Messrs. English and Dobson.

##### *Those who voted in the affirmative were,*

Messrs. Dobson, Donham, Doughty, Eccles, English, Gookins, Holladay of Parke, Laverty, McAllister, Ray, Smith of Marion, Smith of Spencer, Stover, and Stuart—14.

##### *Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis, Dice, Donaldson, Douthit, Foster, Geddes, Gibson, Glazebrook, Goudy, Graham, Gunn, Hanna, Harrison, Hart, Hays

of White, Helmer, Henry, Hicks, Holliday of Blackford, Holman, Hostetter, Hudson, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Mayfield, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Sharklin, Spencer, Stanfield, Staton, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker—78.

So the bill was not laid upon the table.

Mr. Behm moved to refer the bill to the committee on the Judiciary ;

Pending which,

On motion by Mr. Stuart,

The bill was laid on the table and 100 copies ordered to be printed.

No. 22. A bill to authorize clerks of the circuit courts to take the acknowledgment of deeds in certain cases ;

Was read a second time.

On motion by Mr. Behm,

The bill was referred to the committee on the Judiciary.

#### HOUSE BILLS ON THIRD READING.

No. 15. A bill to fix the time at which County Treasurers, shall be required to make their annual settlements with County Auditors, and with the Auditor of State, and to authorize them to make deposits under the direction of Treasurer of State ;

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Harrison, Hart, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens.



Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—94.

Mr. Behm voted in the negative—1.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 18. A bill providing for the examination and admission of insane persons into the Lunatic Asylum of the State of Indiana;

Was read a third time.

Mr. Brady moved to recommit the bill to the committee on the Judiciary with instructions, to specify the duties of clerks of the circuit courts and add thereto probate judges;

Pending which,

Mr. Gibson moved to commit the bill to the committee on the Judiciary, with instructions to report a bill providing for the admission of lunatics into the Asylum in such form as shall not conflict with the constitution.

The question being put,

Was decided in the affirmative.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report:

MR. SPEAKER :

The committee on Ways and Means, to whom was recommitted bill of the House number 16, have had the same under consideration, and have directed me to report it back to the House, so modified as to conform to the report of the committee on the Judiciary.

Strike out the first three sections and add the following:

Sec. 5. That all laws and parts of laws coming in conflict with this act, be and the same are hereby repealed.

Which amendments were adopted.

On motion by Mr. Buskirk,

The bill was laid on the table and two hundred copies ordered to be printed.

On motion by Mr. Lewis,

Two additional members were added to the committee on Benevolent and Scientific Institutions, viz: Messrs. Bryant and Doughty.

Mr. Holman, under the rule, gave notice of a motion for leave to introduce a bill for the organization of civil townships, and providing for the transaction of township business.

Mr. Smith of Marion, under the rule, gave notice of a motion for leave to introduce a bill to authorize railroad companies to change

State and county roads in certain cases, and requiring such companies to pay damages.

Mr. Davis of F., under the rule, gave notice of a motion for leave to introduce a bill for reducing the fees and salaries of State and county officers.

On motion by Mr. Holman,  
The House adjourned to meet at 9 o'clock to-morrow morning.

FRIDAY MORNING, 9 o'clock, }  
December, 12, 1851. }

House met.

The Journal of the preceding day was read.

#### REPORTS FROM COMMITTEES.

Mr. Donaldson, chairman of the committee on Elections, made the following report:

MR. SPEAKER:

The standing committee on Elections to whom was referred resolution of the House requesting them to inquire into the propriety of so amending the law regulating the election of township officers so that no person shall be allowed to vote for more than one person for the office of supervisor of roads in each of said townships, have directed me to make the following report:

*Resolved*, That the committee on Roads be hereby instructed to report a bill to this House containing the following provisions, to-wit:

If, upon counting the votes at any of the polls, any ticket shall be found with more than one person voted for for supervisor, it shall be deemed an illegal vote, so far as relates to supervisors, and shall not be counted to any of the persons voted for for that office—in which the concurrence of the House is respectfully requested.

Which report was concurred in.

Mr. Hunt, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was recommitted a joint resolution of the House relative to the illegal reduction of the valuation of real estate in LaGrange county, have had the same under consideration, and have instructed me to report it back to the House, and ask to be discharged from its further consideration.

Which was concurred in.

Mr. Hunt, from the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee of Ways and Means, to whom was referred a communication from the Auditor of State, relating to the illegal reduction of the aggregate valuation of real estate in several of the counties of the State, have had the same under consideration, and have instructed me to report the following bill, and respectfully recommend its passage:

No. 24. A bill providing a remedy for the illegal reduction of the aggregate valuation of real estate in the several counties of this State.

Which was read a first time and passed to a second reading.

Mr. Holman, chairman of the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred bill of the House No. 22, "authorizing the clerks of the circuit court to take the acknowledgments of deeds in certain cases," have had the same under consideration, and have directed me to report the same back to the House, with a recommendation that it be indefinitely postponed; and said committee ask to be discharged from the further consideration thereof.

The portion of the above report recommending the indefinite postponement of the bill therein named, was withdrawn.

On motion by Mr. Gibson,

The bill was laid on the table.

Mr. Gookins, from the committee on the Judiciary, made the following report :

MR. SPEAKER :

The committee on the Judiciary to which was referred a resolution, instructing them to inquire into the expediency and propriety of allowing witnesses before Grand Juries, and in all criminal proceedings, the usual fees and traveling expenses allowed in civil suits, have had the same under consideration, and have instructed me to submit the following

### REPORT.

It is universally admitted that the law requiring the attendance of witnesses in State prosecutions imposes a hardship upon them, by requiring their services, often attended with considerable expense and loss of time without any remuneration, where the prosecution does not result in a conviction, and where the defendant, if convicted, has no property out of which costs can be made, which is the case in a large proportion of cases. This hardship is greatly increased when witnesses are required to attend courts in counties other than those in which they reside. In civil causes the witness has his option to demand his fees before leaving home, but it is manifest that no provision can be made by law for pre-payment in the case of State prosecutions, but your committee are of the opinion that provision can and ought to be made for the payment by the county to which the witness is called, of the same fees allowed in civil cases. In case of conviction, these costs will be taxed against the defendant, and if he be of sufficient ability they will be collected, and the county will be reimbursed.

Intimately connected with this subject is an evil growing out of the present law allowing changes of venue in criminal cases. The act of 1848 makes it imperative upon the circuit court to grant a change of venue on affidavit of the accused alleging prejudice in the judge, or prejudice or excitement against him in the county where the indictment is pending. This circumstance is resorted to by many charged with felonies, as a means to escape the punishment of crime. It is a common observation of those familiar with the subject, that these complaints of prejudice and excitement are in almost every case wholly groundless, and are generally made for no other purpose than to delay the cause and worry the witnesses for the prosecution by compelling them to travel sometimes out of their county, and sometimes out of their circuit without pay. At the time appointed for trial, if the witnesses are in attendance, an affidavit for a continuance is the next resort. The cause goes over, and in this way is kept off two, three or four terms. Finally through badness of roads,

inclemency of weather, or loss of time and money, the witnesses for the prosecution at some term are found not in attendance, when the accused becomes all at once extremely anxious for justice without denial or delay. These scenes have been acted and re-acted over and over again, before the eyes of all those familiar with the administration of our criminal law.

Your committee believe that a large proportion of the evils referred to in the resolution before them, and in respect to which a remedy is sought, might be obviated by a modification of this law. That, instead of a change of venue, upon affidavit of prejudice or excitement in all cases not capital, the accused should have a continuance of his cause. By another term, in most cases, any temporary excitement will have subsided, and by allowing an extension of the right of peremptory challenge, and if necessary some future conditions or restrictions in the qualification of jurors, when examined, touching their qualifications, your committee have no doubt a fair trial can always be obtained.

As the office of associate judge is now abolished, great temptations will be held out to persons charged with crime, to make unfounded complaints against the judge, imputing prejudice to him for the purpose of obtaining a change of venue, and by that means to escape punishment. Admitting this prejudice, in a possible case to exist, there is very little probability of a conviction, where every reasonable doubt is available for the defence, and the jury is judge of the law and the fact.

In cases in which the complaint is grounded upon relationship between the judge and the party charged to have been injured, and in capital cases where prejudice is alleged against the judge, provision should be made for an interchange of judges, instead of a change of venue.

Your committee would not recommend that witnesses who are required to appear before grand juries, and attend State prosecutions, should be paid out of the county treasury when not required to travel out of the county of their residence. It may work some hardship, it is true, to require these services without compensation; but every man is interested in maintaining the laws, as well for his own protection as for the general good of society. All are equally liable to be called upon to render these services, and every good citizen ought to be satisfied with the benefit thus received. To allow pay in such cases would soon, it is apprehended, lead to great abuses, in persons causing themselves to be subpoenaed and brought before grand juries, for the sake of the fees, and this would be likely to be resorted to by a well known class who have but little to do for themselves, and have consequently a great deal of time to devote to the interests of the State. By paying these, as well as those who are necessarily required to attend as witnesses for the State, it is apprehended a great burden would be thrown upon the county treasuries.

Your committee, therefore, recommend the adoption of the following resolution :

*Resolved*, That the committee on Fees and Salaries be instructed to report a bill to provide for the payment of witnesses in State prosecutions, who are required to attend upon courts and grand juries out of the counties in which they usually reside, the same fees allowed for similar services in civil cases, to be paid out of the treasury of the county in which such services are required.

Which was concurred in, and

The resolution was adopted.

Mr. Davis of Franklin moved to print the bill ;

Which motion did not prevail.

Mr. Gookins, from the committee on the Judiciary, reported bill No. 25. A bill to provide for publishing the acts and joint resolutions of the General Assembly ;

Which was read a first time and passed to a second reading.

Mr. Struble, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of sundry citizens of the Valley of the Driftwood Fork of White River, have had the same under consideration, and a majority of said committee direct me to report, that it is inexpedient to legislate on the subject, and ask to be discharged from further consideration of the same.

Which was concurred in.

Mr. Henry, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred the subject of a Homestead Exemption, have had that subject under consideration, and have instructed me to report a bill :

No. 26. A bill to exempt property from sale in certain cases ;

Which was read a first time, and passed to a second reading.

Mr. Struble, from a select committee, reported bill

No. 27. A bill for the more uniform mode of doing township business ;

Which was read a first time and passed to a second reading.

## RESOLUTIONS OF THE HOUSE.

Mr. Hays of White offered the following resolution :

*Resolved*, That the committee on Education be instructed to inquire into the expediency of so amending the school law, that it shall be lawful for a majority of the legal voters of each congressional township to petition the trustees of said township, and if a majority of all so petitioning are in favor of the sale, and that majority shall exceed fifteen, it shall be the duty of the trustees to report the same to the auditor and clerk, and they shall proceed to make sale of said lands, as provided for by law.

Which was not adopted.

On motion by Mr. Lewis,

*Resolved*, That the Judiciary committee be instructed to inquire into the constitutionality of passing an act revising an act entitled "An act to locate a state road in the county of Warrick," approved Feb. 5th, 1851, and found in the local laws of 1850-51, on page 297; and if constitutional, to report a bill for that purpose.

On motion by Mr. Morris,

*Resolved*, That the use of this Hall be tendered to Mary L. Watkins, of the Society of Friends, this afternoon, at 2 o'clock, as she desires to address the members and others in attendance at that hour.

On motion by Mr. Spencer,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the propriety of enacting a law to protect more effectually the citizens of this State against the impositions of foreign insurance companies that may have agencies established in this State.

On motion by Mr. Gookins,

*Resolved*, That the committee on Benevolent Institutions be instructed to report a bill providing for houses of refuge, for the correction, and reformation of juvenile offenders.

On motion by Mr. Torbet,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of abolishing the *death penalty*, and substituting therefor punishment by imprisonment in the State Prison for life.

*Also*, that should they deem it inexpedient, they shall inquire into the expediency of providing against *public* executions and that the execution of the sentence of death shall be *private*.

On motion by Mr. Withers,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the existing laws defining the duties of justices of the peace, and constables so as to make it the duty of constables to return executions in four months from the date of their issue.

On motion by Mr. King,

*Resolved*, That the committee on Military Affairs be instructed to inquire into and report upon the propriety of the State of Indiana bestowing swords, as tokens of honor, upon citizens of the State who served with distinction as soldiers, volunteer or regular, in the war with Mexico.

Mr. Davis of Franklin offered the following resolution :

*Resolved*, That the committee on the Organization of Courts of Justice be and they are hereby instructed to report a bill organizing "tribunals of conciliation," as provided for in article 7, section 19, of the Constitution.

Mr. Schoonover moved to amend the resolution by making it one of inquiry ;

Which was accepted.

The resolution as amended was adopted.

Mr. Nelson, under the rule, gave notice for a motion for leave to introduce a bill, regulating the method of receiving visitors of the Insane Asylum.

On motion by Mr. Ray,

*Resolved*, That the committee of Ways and Means inquire into the expediency of compelling all dry goods pedlers to pay a reasonable license for peddling dry goods in the county or State.



Mr. Lawrence in pursuance of previous notice obtained leave and introduced,

No. 4. A joint resolution ;

Which was read a first time and passed to a second reading.

Mr. Nelson, in pursuance of previous notice, obtained leave and introduced bill,

No. 28. A bill to repeal the 11th, 12th and 13th sections of an act to amend an act entitled an act to amend the act entitled an act to incorporate the city of Fort Wayne, and all acts and parts of acts amendatory thereto ;

Which was read a first time and passed to a second reading.

Mr. Smith of Marion, in pursuance of previous notice, obtained leave and introduced bill,

No. 29. A bill to authorize Railroad Commissioners to change State and county Roads, in certain cases and requiring such companies to pay damages.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

On motion by Mr. Smith of Marion,

No. 2. Joint resolution relative to American influence abroad, the Hungarian revolution and Lewis Kossuth ;

Was taken from the table, and read a third time.

On motion by Mr. Beach,

By the unanimous consent of the House, the joint resolution was amended as follows :

Strike out the 4th clause and insert the following :

That his Excellency the Governor be instructed to transmit a copy of the foregoing resolution to his Excellency Governor Kosuth, and in the name of this Legislature tender him the welcome and hospitalities of the people of Indiana, and request his acceptance of the same at the capital of the State during the present session of the Legislature.

On motion by Mr. Stuart,

By the unanimous consent of the House, the joint resolution was amended by striking out the word "insurrection" and inserting "revolution."

On motion by Mr. McDonald,

By the unanimous consent of the House, the words "and reverses" were stricken out of the joint resolution.

The question then being on the passage of the joint resolution, and the question being put,

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Dougherty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Harrison, Hart, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker--  
94.

No member voted in the negative.

So the joint resolution passed.

Ordered, that the clerk inform the Senate thereof.

#### HOUSE BILLS ON SECOND READING.

No. 23. A bill to compute interest annually, upon notes or other obligations made payable to executors, administrators and guardians,

Was read a second time, and ordered to be engrossed.

Mr. Spencer, by the unanimous consent of the House, offered the following resolution:

*Resolved,* The Senate concurring, that a committee of three on the part of this House and the same number on behalf of the Senate, be appointed to confer together and determine upon the best plan to be adopted to secure a revision of the laws of this State.

Which was adopted.

And Messrs. Spencer, Hudson and Stover were appointed said committee on the part of the House.

On motion by Mr. King,

The vote on the following resolution, offered by Mr. Davis of Franklin, was reconsidered:

*Resolved,* That a committee of three on behalf of the House be appointed to act with a like committee on behalf of the Senate, to

examine into and report upon the accounts of the Secretary of the Treasury and Auditor of State.

Mr. Davis of Franklin withdrew the resolution.

Mr. Gookins, by the unanimous consent of the House, introduced No. 30. A bill to provide for the selection of Grand Jurors, and limiting their jurisdiction ;

Which was read a first time, and passed to a second reading.

On motion by Mr. Withers,

The House adjourned until to-morrow morning at 9 o'clock.

SATURDAY MORNING, 9 o'clock, }  
December 13, 1851. }

House met.

The journal of the preceding day was read.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Smith of Spencer,

A temperance memorial from sundry citizens of Spencer county ;  
Which,

On motion,

Was referred to the committee on Temperance.

By Mr. English,

A communication from Thomas B. Wilson, of Scott county, on the subject of the school law ;

Which,

On motion by Mr. English,

Was referred to the committee on Education, with instructions to inquire into the expediency of passing a law remedying the class of grievances alluded to in the communication.

By Mr. Dobson,

The petition of sundry citizens of Owen county, relative to the Probate Court ;

Which,

On motion,

Was referred to the committee on the Judiciary, with instructions to inquire into the expediency of making a general law on the subject.

#### REPORTS FROM COMMITTEES.

Mr. Beach, from the committee on the Judiciary, made the following report :

MR. SPEAKER :

The committee to whom was referred the petition of Silas Needham and others, praying for the view and location of a State road in Jennings and Jefferson counties, have had the same under consideration and have directed me to report, that, in their opinion, a general law of uniform operation throughout the State may be made applicable to the case presented in said petition. They therefore ask to be discharged from further consideration of the subject and recommend the adoption of the following resolution :

*Resolved*, That the committee on Roads be instructed to report a bill providing for a general road law applicable to the case presented in said petition.

The report was concurred in, and  
The resolution adopted.

Mr. Foster, from the committee on Roads, made the following report :

MR. SPEAKER :

The committee on Roads, to whom was referred the petition of John Dye and other citizens of Hancock county, asking for the location of a road therein named, have had the same under considera-

tion and instructed me to report the same back to the house, and ask to be discharged from the further consideration of the same;

Which was concurred in.

Mr. Cowgill, from a select committee, made the following report:

MR. SPEAKER :

The select committee, to whom was referred the petition of the stockholders in the Wabash and Eel River Plank Road Company, asking to have the time to which said company is limited by the act of the Legislature approved January 15, 1849, so extended as to give said company two years more to complete said Wabash and Eel River plank road in, have had the same under consideration and have directed me to make the following

### REPORT:

*Resolved*, That the committee on Corporations be instructed to report a bill to this House enacting a general plank road law extending the time to any and all companies that are now organized to six years from the time of filing their articles of association with the proper officers of their respective counties for the completion of any road the construction of which may have been commenced under the act of the Legislature approved January 15, A. D. 1849.

Which was concurred in, and  
The resolution was adopted.

### RESOLUTIONS OF THE HOUSE.

On motion by Mr. Gibson,

*Resolved*, That the committee on public buildings be directed to inquire into and report to this House the probable value of the real estate, the sale of which is recommended in the Governor's message, the amount annually expended by the State to keep the same in repair, and the probable cost of the erection of a building commensurate with the wants of the State and General government.

Mr. Brady offered the following resolution :

*Resolved*, That we deem it inexpedient at the present session of the General Assembly to increase the judges of the supreme court beyond the present number—three.

Mr. Gibson moved to lay the resolution on the table ;

Which motion did not prevail.

Mr. Gibson moved that the resolution be postponed until Monday week ; and

The question being put,

The ayes and noes were demanded by Messrs. Mudget and Henry.

*Those who voted in the affirmative were,*

Messrs. Beach, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Donaldson, Eccles, English, Gibson, Gookins, Hanna, Harrison, Hart, Helmer, Hicks, Holman, Hostetter, Kent, King, Lavery, Lawrence, Major, McDonald, Owen, Porter, Ray, Scudder, Smith of Spencer, Spencer, Stover, Stuart, Torbet, Watson, Wells, and Wilson—36.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Behm, Brady, Bulla, Cockrum, Crim, Cromwell, Davis, Dice, Dobson, Donham, Douthit, Foster, Geddes, Glazebrook, Goudy, Graham, Gunn, Hays of White, Henry, Holladay of Parke, Holliday of Blackford, Hudson, Humphreys, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Reynolds, Schoonover, Shanklin, Smith of Marion, Staton, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Williams, Withers, and Mr. Speaker—49.

So the resolution was not so postponed.

On motion by Mr. Kent,

The consideration of the resolution was postponed until Wednesday next.

On motion by Mr. Reynolds,

Leave of absence was granted Mr. Huey on account of sickness.

On motion by Mr. Brady,

Leave of absence was granted Mr. Struble till Monday next.

On motion by Mr. Buskirk,

Leave of absence was granted the committee on Benevolent and Scientific Institutions for the remainder of the day.

Mr. Gunn offered the following preamble and resolution: for that,

**WHEREAS**, In the Hall of Representatives it is impossible to avoid a degree of noise and confusion, and,

**WHEREAS**, It is desirable and important that each member of the House should hear distinctly every word of a bill or resolution, especially when the ayes and noes are called for, therefore,

*Resolved*, That the clerk be and he is hereby respectfully requested to stand when reading for the benefit of the House with his face towards the middle door of the Hall, and also to read as distinctly as possible and sufficiently loud to be heard distinctly throughout the Hall.

Which was adopted.

Mr. Stover offered the following resolution :

*Resolved*, That the resolution heretofore adopted by the House empowering the Clerks to employ a sufficient number of assistants, is hereby construed to mean that the principal Clerk shall make the necessary appointments, except one assistant which may be appointed by the assistant clerk.

Mr. Smith of Marion moved to amend the resolution by adding after the resolving clause:

That it is the right of the principal and assistant clerks elected by this House, each, to appoint his own assistants.

On motion by Mr. Schoonover,

The resolution and pending amendment were laid on the table.

On motion by Mr. Wells,

*Resolved*, That the committee on Corporations be instructed to inquire into the expediency of so amending the general plank road law as to allow companies to charge and receive tolls on bridges across unfordable streams.

#### BILLS &C. INTRODUCED.

Mr. Nelson, in pursuance of previous notice, obtained leave and introduced

No. 31. A bill entitled an act to regulate visiting the Insane Hospital of the State of Indiana ;

Which was read a first time and passed to a second reading.

## ORDERS OF THE DAY.

On motion by Mr. Buskirk,

The following bill was taken from the table:

No. 16. A bill to amend the 1st, 2d, and 3d, sections of an act entitled an act for the more effectual, just, and equal assessment and valuation of the personal property, moneys, rights, credits, effects, and corporation stock in the State of Indiana, approved February 13, 1851;

And placed in the orders of the day.

## HOUSE BILLS ON SECOND READING.

No. 24. A bill providing a remedy for the illegal reduction of the aggregate valuation of real estate in the several counties of the State;

Was read a second time, and

Ordered to be engrossed.

No. 25. A bill to provide for publishing the acts and joint resolutions of the General Assembly;

Was read a second time, and

Ordered to be engrossed.

No. 26. A bill to exempt property from sale in certain cases;

Was read a second time.

Mr. Suit moved to lay the bill on the table and to print,

And the question being put,

The ayes and noes were demanded by Messrs. Henry and McDonald.

*Those who voted in the affirmative were,*

Messrs. Behm, Donaldson, English, Gibson, Gookins, Hart, Hicks, Holman, Hostetter, Hudson, Kent, King, Lawrence, Lindsey of Fayette, Litchfield, McConnell, McDowell, Miller, Mudgett, Nelson, Reynolds, Schoonover, Scudder, Smith of Marion, Spencer, Stanfield, Stover, Stuart, Suit, Sweet, and Wells—31.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Brady, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis, Dice, Dobson, Donham, Douthit, Eccles, Foster, Geddes, Glaze-



brook, Goudy, Graham, Gunn, Hanna, Harrison, Hays of White, Helmer, Henry, Holladay of Parke, Holliday of Blackford, Humphreys, Lavery, Leviston, Lindsay of Howard, Major, McAllister, McDonald, Owen, Porter, Ray, Shanklin, Smith of Spencer, Stevens, Sumner, Taggart, Thompson, Torbet, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—55.

So the bill was not laid on the table.

On motion by Mr. McDonald,

The bill was referred to the committee on the Judiciary.

No. 27. A bill for the more uniform mode of doing township business,

Was read a second time.

On motion by Mr. Smith of Spencer,

The bill was laid on the table, and

One hundred copies ordered to be printed.

No. 28. A bill to repeal the 11th, 12th, and 13th sections of an act to amend an act entitled an act to amend the act entitled an act to incorporate the city of Fort Wayne, and all acts and parts of acts amendatory thereto ;

Was read a second time.

On motion by Mr. Owen,

The bill was referred to the committee on the Judiciary with instructions to report whether, in their opinion, its provisions are constitutional.

No. 29. A bill to authorize railroad companies to change state and county roads in certain cases, and requiring such companies to pay damages ;

Was read a second time.

On motion by Mr. Smith of Marion,

The bill was referred to the committee on Corporations.

No. 30. A bill to provide for the selection of grand jurors, and limiting their jurisdiction ;

Was read a second time.

Mr. Hudson moved to lay the bill on the table and print two hundred copies.

One hundred copies was named :

Which proposition was accepted by the mover.

The question then recurred on the proposition to lay on the table and print ;

And the question being put,

Was decided in the affirmative.

No. 4. A joint resolution ;

Was read a second time.

On motion by Mr. Spencer,

The joint resolution was referred to the committee on the Geological Survey of the State.

No. 16. A bill to amend the 1st, 2d and 3d sections of an act entitled "an act for the more effectual, just and equal assessment and valuation of the personal property, moneys, rights, credits, effects and corporation stock in the State of Indiana," approved February 13th, 1851.

On motion by Mr. Hudson,

The consideration of the bill was postponed until Monday next.

#### HOUSE BILLS ON THIRD READING.

No. 23. A bill to compute interest annually upon notes or other obligations made payable to executors, administrators and guardians; Was read a third time.

On motion by Mr. Gibson,

The bill was laid upon the table.

The Speaker laid before the House the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, Dec. 12, 1851. }

HON. J. W. DAVIS,

*Speaker of House of Representatives :*

SIR:—In compliance with a resolution of the House, I have the honor to submit the following statement of the amount paid by the State for counsel and legal opinions during the last ten years, to-wit:

In the year 1842.....	\$175 00
In the year 1843.....	100 00
In the year 1844.....	65 00
In the year 1845.....	50 00
In the year 1846.....	130 00
In the year 1847.....	00 00
In the year 1848.....	110 00
In the year 1849.....	1,650 00
In the year 1850.....	750 00
In the year 1851.....	80 00

Total.....\$3,610 00

This sum does not include the items paid by the several agents of State, in the collection of the suspended debt, and it is probable there are other commissions. There are also claims for services, not yet liquidated, amounting to several hundred dollars.

The amount cannot be ascertained with entire accuracy, without an examination of the vouchers for the whole period.

I am very respectfully,

E. W. H. ELLIS,  
*Auditor of State.*

On motion by Mr. Gibson,

The above communication was referred to the committee on the Judiciary.

On motion,

The order of business was suspended, and

Mr. Stover offered the following resolution:

WHEREAS, A difference of opinion exists as to the duties of the Principal Clerk and Assistant Clerk of this House: *Therefore*, to define the duties of each,

*Resolved*, That the Principal Clerk has the general supervision of the desk and the direction (under the supervision of the Speaker) of the journal, bills, papers, &c.; and that the Assistant is the assistant to the Principal and under his direction.

Which was adopted.

Mr. Smith of Marion offered the following resolution:

*Resolved*, That the assistants employed by the assistant clerk of this House, under a resolution of the House, to aid him in the discharge of his duties, be continued in his service.

Mr. Stuart was excused from voting on the above resolution.

Mr. Smith of Spencer offered the following amendment to the resolution:

That no assistant clerk now employed shall be dismissed without the charge preferred be set forth in writing, and action of the Legislature on it.

Mr. Kent moved to lay the resolution and pending amendments on the table:

Which motion did not prevail.

The question then recurred on the amendment of Mr. Smith of Spencer;

Which was decided in the negative.

Mr. English offered the following amendment to the resolution, to-wit:

That the Assistant Clerk be authorized to appoint two assistants, and that the Principal Clerk be authorized to appoint such additional assistants as may be necessary in the proper transaction of the business of the House;

Which was adopted.

The question then recurred on the adoption of the resolution as amended;

Which was decided in the affirmative.

A message from the Senate by Mr. Dunn their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that they have passed the following resolution:

*Resolved*, That the Senate will, the House of Representatives concurring therein, proceed immediately to a revision of the laws of this State, so far as the same are required to be changed, amended or revised so as to conform our laws to the constitution, adopting such parts of the laws now in force as are consistent with the constitution and the views of the present General Assembly.

In which the concurrence of the House is respectfully requested.

The foregoing resolution of the Senate was reciprocated by the House.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. McDonald,

The House adjourned to meet on Monday morning at 9 o'clock.

MONDAY MORNING, 9 o'clock, }  
December 15, 1851. }

The House met.

The journal of the preceding day was read.

PETITIONS, MEMORIALS, &c., PRESENTED.

By Mr. Lindsay,  
The petition of sundry citizens of Tipton county, on the subject  
of temperance.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Holliday of Blackford,

The petition of the citizens of Washington township, in Black-  
ford county, relative to vacant lands in said county.

Which,

On motion,

Was referred to the committee on Swamp Lands.

By Mr. Porter,

The petition of sundry citizens of Ohio and Switzerland counties,  
on the abolition of grand juries.

Which,

On motion,

Was referred to the committee on the Organization of Courts of  
Justice.

By Mr. Harrison,

The temperance memorial of sundry citizens of the State.

Which,

On motion,

Was referred to the committee on Temperance.

REPORTS FROM COMMITTEES.

Mr. Gookins, from the Judiciary Committee, made the following  
report :

*Resolved*, That the following subjects contained in the revised stat-  
utes of 1843, and the several statutes subsequently enacted amenda-

tory thereof, be referred to the several committees hereinafter mentioned, for revision, viz :

### TO THE COMMITTEE ON REVISION,

- Ch. 1, p. 66. The boundaries of the State, its territorial jurisdiction and sovereignty.
- Ch. 2, p. 67. The division of the State into counties and townships.
- Ch. 4, p. 95. State, county and township officers, except officers in the militia.
- Ch. 6, p. 154. The duties of the Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of public accounts, Public Printer, State Librarian, and State Agent.
- Ch. 7, p. 179. Of the board of county commissioners of the several counties in the State, and the county auditor, treasurer, and assessor.
- Ch. 8, p. 196. Of the county recorder.
- Ch. 9, p. 198. Notaries public and their duties, and commissioners to take depositions, and the proof and acknowledgment of deeds.
- Ch. 11, p. 205. Of pilots at the falls of the Ohio.
- Ch. 18, p. 348. Of establishing seats of justice and carrying the laws into effect in new counties.
- Ch. 20, p. 363. Of providing for the support of illegitimate children.
- Ch. 24, p. 383. Recording town plats and vacating towns and parts thereof.
- Ch. 52, p. 957. Of privilege from arrest.
- Ch. 59, p. 1022. Of the repeal of statutes, and some general provisions concerning the revised statutes.

### TO THE COMMITTEE ON THE JUDICIARY.

- Ch. 23, p. 381. Provision for the safety of Stage passengers.
- Ch. 28, p. 413. Real property and the alienation thereof.
- Ch. 29, p. 453. General provisions respecting the title to real estate acquired by virtue of special provision of law.
- Ch. 30, p. 484. Of the title to property by will or testament, of the rights, powers and duties of executors and administrators and the distribution of the personal estate of intestates and other matters relating thereto.

- Ch. 31, p. 575. Of the title to personal property in certain cases; of promissory notes and bills of exchange and of the interest of money.
- Ch. 33, p. 588. Of preventing frauds and perjuries in contracts and actions founded thereon.
- Ch. 34, p. 593. Of gaming contracts.
- Ch. 35, p. 594. Of the domestic relations.
- Ch. 40, p. 670. Of actions at law and the proceedings therein.
- Ch. 41, p. 701. Of proceedings in domestic and foreign attachment.
- Ch. 42, p. 775. Of enforcing liens of mechanics and others in certain cases.
- Ch. 43, p. 783. Of proceedings to try the right of property taken in execution.
- Ch. 44, p. 786. Of arbitrations.
- Ch. 45, p. 791. Actions and proceedings relating to real property.
- Ch. 46, p. 831. Of suits and proceedings in chancery.
- Ch. 47, p. 861. Of courts of justices of the peace, and the duties of constables.
- Ch. 48, p. 927. Special writs and proceedings.
- Ch. 49, p. 949. Of the mode of change of venue in civil causes.
- Ch. 50, p. 951. Of the mode of summoning and impannelling grand and pittit jurors.
- Ch. 51, p. 954. Of special remedies of sureties against their principals.
- Ch. 53, p. 959. Crimes and punishments.
- Ch. 54, p. 986. Of the limitation of prosecutions, of the grand jury and indictments, process and recognizances; witnesses, trials, judgments and general provisions respecting proceedings and taking a change of venue in criminal cases.
- Ch. 55, p. 1002. Of the powers and duties of justices of the peace in criminal cases and proceedings.
- Ch. 56, p. 1014. Of coroners' inquests.
- Ch. 57, p. 1017. Prisons and prison bonds.
- Ch. 60, p. 1030. An act declaring what laws shall be in force.
- Ch. 61, p. 1030. An act authorizing the arresting and securing fugitives from justices.
- Ch. 62, p. 1032. An act relating to fugitives from labor.

## TO THE COMMITTEE ON THE ORGANIZATION OF COURTS.

- Ch. 36, p. 622. General provisions concerning courts of justice, and the powers and duties of judicial officers.
- Ch. 37, p. 636. Of the supreme court, its powers and duties, and the officers of such court.

- Ch. 38, p. 646. Of the organization, powers, and duties of circuit courts, and of the officers of such courts.  
 Ch. 39, p. 664. Of probate courts.  
 Ch. 58, p. 1020. Of the appointment of circuit prosecutors and their duties.

### TO THE COMMITTEE ON CORPORATIONS.

- Ch. 25, p. 387. Of private corporations.  
 Ch. 32, p. 583. Of limited partnerships and general provisions respecting corporations.

### TO THE COMMITTEE ON EDUCATION.

- Ch. 13, p. 237. Of the funds, revenues, expenditures and property of the State, and the management thereof.  
 Ch. 14, p. 299. Of the State University and county Seminaries.  
 Ch. 15, p. 305. Of Common Schools.

### TO SELECT COMMITTEE.

- Ch. 3, p. 92. Of the division of the State into Congressional districts, and districts for members of the General Assembly.

### TO THE COMMITTEE ON ELECTIONS.

- Ch. 5, p. 121. Of general and special elections.  
 Ch. 10, p. 201. Of County Surveyors.

### TO THE COMMITTEE ON AGRICULTURE.

- Ch. 21, p. 369. Of the taking up of animals going astray and water craft and other articles of value adrift.  
 Ch. 22, p. 374. Enclosures, trespassing animals and partition fences.

### TO THE COMMITTEE ON ROADS.

- Ch. 16, p. 325. Highways and bridges.  
 Ch. 17, p. 343. Ferries.



## TO THE COMMITTEE ON WAYS AND MEANS.

Ch. 12, p. 207. Assessment and collection of taxes.

## TO THE COMMITTEE ON BENEVOLENT AND SCIENTIFIC INSTITUTIONS.

Ch. 19, p. 355. Relief of the poor.

## TO THE COMMITTEE ON MANUFACTURES.

Ch. 26, p. 408. Gristmills and Millers.

Ch. 27, p. 410. Inspection of salt, beef, flour, pork and tobacco.

Which was concurred in.

Mr. Stanfield, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary to which was referred the accompanying resolution, has had that subject under consideration and directed me to submit the following

### REPORT:

By the first section of the act of Jan. 20, 1831, the legislature is required to elect a prosecuting attorney for each judicial circuit, who shall hold his office two years. The remainder of the act points out his duties and compensation—the compensation is a salary of one hundred and fifty dollars per annum payable quarterly.

The act of February 11, 1843, has no repealing clause. The first section declares that the prosecuting attorney shall be elected by the people. The remainder of the act points out the mode of election and declares that the duties and compensation shall be as before.

The first section of the act of 1831, standing inconsistent with the first section of the act of 1843, is regarded as repealed, and that the remainder of the act of 1831 still remains in force.

The act of the 27th of January, 1847, provides for the election of a prosecutor in each county, declares how he shall be elected, the term of office, qualification for it, manner of filling vacancies, the

power of appointment by the court, &c., and then in the sixth section declares what the compensation shall be in these words :

“As a compensation in full, to such prosecuting attorney, he shall be entitled to a docket fee of four dollars upon a plea of guilty, and a docket fee of five dollars in each and every conviction upon a plea of not guilty in the circuit court, and a fee of ten dollars in each conviction in the supreme court on a writ of error or appeal.”

It is then declared in the 8th section that all laws and parts of laws contravening the provisions of this act are repealed.

The committee are of opinion that said sixth section does contravene the provisions of the fifth section of the act of 1831 which allows a salary of \$150 per annum, and that therefore the said fifth section was repealed by the act of 1847.

The act of January 16, 1849, is a special law providing for the election of prosecuting attorneys in the 4th and 8th judicial circuits, and for their compensation.

The act of February 11, 1851 is a general law. It repeals by express terms the act of 1847, and revives so much of the act of 1843 as provides for the election of prosecuting attorneys by the people, and also so much of the act of 1831 as was repealed by the act of 1847, to-wit: the 5th section which allows a salary of \$150 per annum.

The act of 1851 being a general law, the committee are of opinion that it repeals the special act of 1849, and that therefore the prosecutors in the 4th and 8th judicial circuits are entitled to the same compensation to-wit: a salary of \$150 per annum, as are the prosecutors of the other circuits.

Which was concurred in.

Mr. Leviston, chairman of the committee on Corporations, made the following report :

**MR. SPEAKER :**

The committee on Corporations, to whom was referred a resolution instructing them to inquire into the expediency of so amending the general plank road law as to allow companies to charge and receive tolls on bridges across unfordable streams, have had that subject under consideration and have directed me to report that it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration thereof;

Which was concurred in.

A message from the Senate, by Mr. Dunn, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that that the Senate has passed engrossed House bill No. 2, entitled an act to authorize the county commissioners to take and approve the official bonds of sheriffs, coroners, and county recorders, with the following engrossed amendments thereto, in which the concurrence of the House is requested.

On motion,

The engrossed amendments of the Senate to the bill named in the message, were concurred in.

Ordered, that the clerk inform the Senate thereof.

Mr. Harrison, from a select committee, made the following report:

**MR. SPEAKER :**

The select committee to whom was referred the petition of the board of commissioners of Porter county, praying the privilege of borrowing money, have had the same under consideration, and have instructed me to report the following bill, and respectfully to recommend its passage:

No. 32. A bill to enable the board of commissioners of Porter county, to borrow money for certain purposes.

Which was read a first time, and passed to a second reading.

#### RESOLUTIONS OF THE HOUSE.

On motion by Mr. Stanfield,

*Resolved*, That the committee on Corporations be authorized to employ a clerk.

Mr. Beeson offered the following resolution :

*Resolved*, That the committee on Banks be requested to inquire into the expediency of establishing a general free banking law in accordance with the constitution, and that they report by bill or otherwise.

The question being on the adoption of the resolution,  
The ayes and noes were demanded by Messrs. Graham and Carpenter.

*Those who voted in the affirmative were,*

Messrs. Beach, Beeson, Behm, Bryant, Carpenter, Chowning, Cowgill, Crawford, Davis, Dice, Donaldson, English, Geddes, Gookins, Hanna, Harrison, Hay of Clark, Hays of White, Helmer, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Hunt, Kent, King, Laverty, Leviston, Lewis, Lindsay of Howard, McDonald, Miller, Owen, Shanklin, Smith of Spencer, Stanfield, Stevens, Stuart, Suit, Sumner, Watson, Wilson, and Withers—44.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Bulla, Buskirk, Cockrum, Crim, Cromwell, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Glazebrook, Goudy, Graham, Gunn, Hart, Henry, Hicks, Holman, Humphreys, Lawrence, Lindsey of Fayette, Litchfield, Major, Manson, McAllister, McConnell, McDowell, Morris, Mudgett, Nelson, Porter, Ray, Reynolds, Schoonover, Scudder, Smith of Marion, Spencer, Staton, Stover, Sweet, Taggart, Thompson, Walker, Wells, Williams, and Mr. Speaker—49.

So the resolution was not adopted.

On motion by Mr. Donaldson,

*Resolved*, That the Auditor of State be required to communicate to this House the nature of the duties of the county auditors in the several counties in this State, their present compensation, what would constitute a fair rate of fees, and whether, in his opinion, additional legislation is necessary relative to the duties of such officers, together with any other matters connected with the subject, that he may be disposed to communicate.

On motion by Mr. Owen,

The resolution relative to the descent of real estate, &c., was taken from the table.

The question being on the adoption of the resolution,

Mr. Wells offered the following amendment:

Strike out the second provision, and insert the following:

If a husband die testate or intestate, one-third of his property, real and personal, shall descend to his widow, subject, however, to the debts of the husband contracted before marriage. *Provided*, That the widow may elect, instead thereof, to take against all credi-

tors, such an amount of her husband's property as, together with any property owned by herself, shall not exceed the amount which may, at the time, be exempt by law, from seizure or sale for debt.

Further, strike out the 4th, 5th and 6th provisions.

On motion by Mr. Suit,

The further consideration of the resolution was postponed until to-morrow at 2 o'clock, P. M.

A message from the Senate by Mr. Dunn their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House, that the Senate has passed the following joint resolution, in which the concurrence of the House is respectfully requested :

“ A joint resolution in favor and behalf of the Cuban prisoners condemned by the Spanish authorities, and now imprisoned in Spain.”

The joint resolution contained in the foregoing message  
Was read a first time.

Mr. King moved to reject the joint resolution,

And the question being put :

The ayes and noes were demanded by Messrs. King and Henry.

*Those who voted in the affirmative were,*

Messrs. Behm, Cowgill, Goudy, King, Thompson, and Watson—6.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Crim, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Glazebrook, Gookins, Graham, Gunn, Hanna, Harrison, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Humphreys, Hunt, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker—87.

By the unanimous consent of the House, Mr. McDonald was permitted to record his vote, he being without the House, when his name was called.

So the joint resolution was not rejected.

On motion by Mr. King,

The rule was suspended and the joint resolution

Was read a second time.

Mr. Behm offered the following amendment:

Add to the 2d section "that have not already been used by our national government."

Mr. Kent moved to lay the amendment on the table.

The question being on laying the amendment on the table;

The ayes and noes were demanded by Messrs. Suit and Behm.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Buskirk, Chowning, Crawford, Dice, Dobson, Donham, Douthit, Eccles, English, Foster, Glazebrook, Hanna, Harrison, Hart, Hays of White, Henry, Hicks, Holiday of Blackford, Holman, Hostetter, Huey, Humphreys, Kent, Laverty, Leviston, Lewis, Lindsey of Fayette, Manson, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Spencer, Stover, Stuart, Sweet, Taggart, Torbet, Wells, Williams, Wilson, Withers, and Mr. Speaker—56.

*Those who voted in the negative, were,*

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Crim, Cromwell, Davis, Donaldson, Doughty, Geddes, Gookins, Goudy, Graham, Gunn, Hay of Clark, Helmer, Holladay of Parke, Hudson, Hunt, King, Lawrence, Lindsay of Howard, Litchfield, Major, McDonald, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Suit, Sumner, Thompson, Walker, and Watson—38.

So the amendment was laid on the table.

Mr. King moved to amend the joint resolution by striking out from the resolving clause, and inserting the following:

That this Legislature, sympathising with the unfortunate American captives of the Lopez expedition, approves of the efforts of the Administration made to procure their release, and trust that such efforts may be successful.

Mr. Humphreys moved to lay the amendment on the table;  
And the question being put,

The ayes and noes were demanded by Messrs. Humphreys and Graham.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Buskirk, Chowning, Crawford, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, English, Foster, Glazebrook, Gunn, Hanna, Harrison, Hart, Hays of White, Helmer, Henry, Holman, Hostetter, Huey, Humphreys, Kent, Laverty, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Manson, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Spencer, Stover, Stuart, Sweet, Taggart, Torbet, Wells, Williams, Wilson, Withers, and Mr. Speaker—60.

*Those who voted in the negative were,*

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Crim, Cromwell, Davis, Doughty, Geddes, Gookins, Goudy, Graham, Hay of Clark, Hicks, Holladay of Parke, Holliday of Blackford, Hudson, Hunt, King, Lawrence, Lindsay of Howard, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Suit, Sumner, Thompson, Walker, and Watson—34.

So the amendment was laid on the table.

Mr. Shanklin moved to adjourn;

Which motion did not prevail.

Mr. Behm moved to amend the joint resolution by adding the following:

*Resolved,* That this Legislature sincerely sympathises with the efforts of mankind everywhere to establish republican forms of government, and that we approve the course of the present National Administration.

Mr. Kent called the previous question, which was seconded by the House;

And the question being, shall the main question be now put?

Was decided in the affirmative.

The question then being on the adoption of Mr. Behm's amendment to the joint resolution, and being put,

The ayes and noes were demanded by Messrs. Behm and Graham.

*Those who voted in the affirmative were,*

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Crim, Cromwell, Davis, Doughty, Geddes, Gookins, Goudy, Graham, Gunn, Hay of Clark, Helmer, Hicks, Holladay of Parke, Hostetter, Hudson, Hunt, King, Lawrence, Lindsay of Howard, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Suit, Sumner, Thompson, Walker, and Watson—35.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Buskirk, Chowning, Crawford, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, English, Foster, Glazebrook, Hanna, Harrison, Hart, Hays of White, Henry, Holman, Huey, Humphreys, Kent, Laverty, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Manson, McAllister, McCannell, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Spencer, Stover, Stuart, Sweet, Taggart, Torbet, Wells, Williams, Wilson, Withers and Mr. Speaker—57.

So the amendment was not adopted.

The joint resolution was then ordered to a third reading.

Mr. Hart offered the following preamble and resolution :

**WHEREAS**, The present Grand Jury system is justly obnoxious to many objections, arising from the manner in which the jurors are selected : and,

**WHEREAS**, It is necessary that that institution, in some form, should be retained under our present Constitution ; and,

**WHEREAS**, The spirit of that Constitution indicates the propriety of allowing the people to control the institutions and officers of the State, through the medium of elections :

*Be it therefore, resolved*, That the committee on the Judiciary be instructed to inquire into the propriety of enacting a law, to provide for the election, by the voters of the respective counties of the State, at the annual election in April of each year, one grand juror for each township in the county, who shall serve as such grand jurors for and during one year from the date of their election ; and that said committee make report thereof to this House by bill or otherwise, at their earliest convenience.

Which was adopted.



On motion by Mr. Gunn,

*Resolved*, That the Judiciary committee be and they are hereby instructed to report a bill providing a revised law of *descents*, which in their opinion should be passed by the present General Assembly.

Mr. Behm, by unanimous consent, in pursuance of previous notice, introduced bill,

No. 33. A bill to abolish the Tippecanoe court of common pleas, to provide for the trial of causes pending therein and to regulate all proceedings, in reference to the records, judgments, orders and decrees thereof.

Which was read a first time and passed to a second reading.

Mr. Humphreys under the rule, gave notice for leave to introduce a bill for the relief of certain persons who purchased lands in the Vincennes land district.

Mr. Morris offered the following resolution :

*Resolved*, That the committee on Elections be instructed to inquire into the expediency of changing the law, confining voters to the township in which they live, so as to allow them to vote in an adjoining township and report by bill or otherwise ;

Which was not adopted.

On motion by Mr. Taggart,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of so amending the revenue law, as to abolish the ten per cent. damages collected of delinquent tax payers, and report to this House by bill or otherwise.

On motion by Mr. Holman,

*Resolved*, That the committee on Corporations inquire into the expediency of requiring by law, that all foreign insurance companies before engaging in the business of insurance in this State through agencies established within the same, shall deposite with some officer of this State, ample security, readily convertible, for the payment of all liabilities that may be incurred by any such company, to any citizen of this State resulting from insurance, effected through any such agency.

On motion by Mr. Owen,

Mr. Marrs obtained leave of absence until such time as his health will permit him to resume his seat.

On motion by Mr. Torbet,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law upon the subject of granting a change of venue in criminal cases that the court may exercise its discretion, except in cases where such change is prayed for on the ground of objections to the judge.

Mr. Beeson moved that the House adjourn to meet at 2 o'clock P. M.

Mr. Stuart proposed 9 o'clock to-morrow morning ;

And

The question being put on Mr. Stuart's proposition, was decided in the negative.

The question then recurred on the proposition of Mr. Beeson to adjourn to meet at 2 o'clock P. M.,

And

The question being put,

Was decided in the affirmative.

2 o'clock, P. M.

The House met.

Mr. King, in pursuance of previous notice, obtained leave and introduced

No. 34. A bill authorizing recorders to make out general and complete indexes to records of deeds and mortgages and to procure and use seals ;

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *House bills on second reading.*

No. 31. A bill to regulate visiting the Insane Hospital of the State of Indiana ;

Was read a second time.

On motion by Mr. Nelson,

The bill was referred to the committee on Benevolent and Scientific Institutions.

No. 16. A bill to amend the 1st, 2d, and 3d sections of an act entitled an act for the more effectual, just, and equal assessment and valuation of the personal property, moneys, rights, credits, effects, and corporation stock in the State of Indiana ;

The consideration of which was postponed on Saturday last till this day, came up to be considered.

Mr. English offered the following amendment.

Add after the 3d section the following :

SEC. 4. Each assessor shall, between the 1st day of January and the 1st day of May of each year, assess the value of such part of any railroad, plank-road or canal, together with the machinery and other property belonging thereto, as may be within the limits of his county ; upon which assessment, a tax for county, school, and road purposes shall be collected as in other cases of property subject to taxation. But no tax for county, school, or road purposes shall be assessed on the return made by individuals or corporations of the value of stock owned by them in any railroad, plank-road or canal within this State ; and the provisions of this section shall not be construed to apply to any other tax than for county, school, and road purposes.

After the 19th line insert the following :

7th. The amount and value of stock in railroads, plank-roads, and canals within this State.

And in the 20th line, after the word "all," insert the word "other."

The question being on the adoption of the amendment,

The ayes and noes were demanded by Messrs. English and McDonald.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Bulla, Chowning, Cockrum, Davis, Eccles, English, Hanna, Harrison, Hart, Hays of White, Henry, Hicks, Holliday of Blackford, Huey, Major, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Porter, Ray, Reynolds, Schoonover, Scudder, Smith of Spencer, Stuart, Sweet, Thompson, Watson, Wells, Wilson, and Withers—38.

*Those who voted in the negative were,*

Messrs. Behm, Brady, Bryant, Buskirk, Carpenter, Cowgill, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Foster, Geddes, Glazebrook, Gookins, Goudy, Graham, Gunn, Hay of Clark, Helmer, Holladay of Parke, Holman, Hostetter, Hudson, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, McAllister, Nelson, Owen, Shanklin, Smith of Marion, Spencer, Stanfield, Staton, Stevens, Stover, Suit, Sumner, Taggart, Torbet, Walker, Williams, and Mr. Speaker—54.

So the amendment was not adopted.

Mr. Miller offered the following amendment:

Amend by adding to the end of the 2d section as follows:

*Provided*, That each person, so assessed may, under oath, deduct the amount of his or her indebtedness, owing to citizens of this State, from the aggregate value of his or her personal property, not herein before provided for.

The question being on the adoption of the amendment,

The ayes and noes were demanded by Messrs. Graham and Miller.

*Those who voted in the affirmative were,*

Messrs. Barker, Beeson, Bulla, Cockrum, Crawford, Cromwell, Davis, Dobson, Doughty, Douthit, Eccles, English, Foster, Glazebrook, Goudy, Graham, Gunn, Harrison, Hart, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Huey, Humphreys, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, McConnell, McAllister, McDonald, McDowell, Miller, Morris, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stuart, Suit, Sumner, Thompson, Watson, and Williams—49.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Behm, Brady, Buskirk, Carpenter, Chowning, Cowgill, Dice, Donaldson, Donham, Geddes, Gookins, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hudson, Hunt, Kent, King, Laverty, Lawrence, Litchfield, Major, Mudgett, Nelson, Owen, Porter, Ray, Schoonover, Scudder, Staton, Stevens, Stover, Sweet, Taggart, Torbet, Walker, Wells, Wilson, Withers, and Mr. Speaker—44.

So the amendment was adopted.

Mr. Foster offered the following amendment :

Strike out, in the 10th line, " January" and insert " March."

The question being on the adoption of the amendment,  
The ayes and noes were demanded by Messrs. Graham and Foster.

*Those who voted in the affirmative were,*

Messrs. Beeson, Behm, Davis, Doughty, English, Foster, Graham, Hanna, Holliday of Blackford, Huey, Lawrence, Leviston, Manson, McDonald, McDowell, Morris, Porter, Reynolds, Suit, Wilson, and Withers—21.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dice, Donaldson, Donham, Douthit, Eccles, Glazebrook, Gookins, Goudy, Gunn, Harrison, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Holman, Hostetter, Hudson, Humphreys, Hunt, Kent, Lavery, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, McAllister, McConnell, Miller, Mudget, Nelson, Owen, Ray, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stover, Stuart, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, and Mr. Speaker—68.

So the amendment was not adopted.

A message from the Senate, by Mr. Dunn, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the resolution of the House appointing a committee "to determine upon the best plan to be adopted to secure a revision of the laws of this State," and that Messrs. Cravens, Secrest, and Dunn were appointed said committee on the part of the Senate.

Mr. Wells offered the following amendment to the bill:

Amend section 2d, as follows:

Strike out from the word "ships," in line 6, to the word "manufacturing," in line 7, inclusive.

Also, strike out the 16th and 17th lines, and insert them immediately after the 30th line.

Which was not adopted.

On motion by Mr. Buskirk,  
The bill was laid on the table.

#### HOUSE BILLS ON THIRD READING.

No. 24. A bill providing a remedy for the illegal reduction of the aggregate valuation of real estate in the several counties of this State.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Glazebrook, Gookins, Graham, Gunn, Hanna, Harrison, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holliday of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hunt, Kent, King, Laverty, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, McCallister, McConnell, Miller, Morris, Mudget, Nelson, Owen, Porter, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stevens, Stover, Stuart, Sumner, Sweet, Taggart, Thompson, Torbet, Watson, Williams, Wilson, and Mr. Speaker—74.

*Those who voted in the negative were,*

Messrs. Barker, Beeson, Goudy, Helmer, Humphreys, Leviston, McDonald, McDowell, Ray, Reynolds, Stanfield, Suit, Walker, Wells, and Withers—15.

By the unanimous consent of the House, Mr. Donaldson had leave to record his vote, he being without the bar when his name was called.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

Mr. English, by the unanimous consent of the House, introduced No. 35. A bill to amend the 1st and 3d sections of an act entitled an act for the more effectual, just, and equal assessment and valuation of the personal property, moneys, rights, credits, effects,

and corporation stock in the State of Indiana, approved February 13th, 1851.

Which was read a first time, and passed to a second reading.

A message from the Senate by Mr. Dunn, their secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that they have passed the following engrossed bill thereof, to-wit:

Bill No. 20, entitled "an act giving to assessors longer time to file their official bonds and take the oath of office;"

In which the concurrence of the House is respectfully requested.

The bill contained in the foregoing message was read a first time and passed to a second reading.

Mr. Gookins moved to reconsider the vote on laying on the table

Bill No. 16. A bill to amend the 1st, 2d and 3d sections of an act entitled an act for the more effectual, just and equal assessment of personal property, &c.

The question being put,

The ayes and noes were demanded by Messrs. Williams and Buskirk.

*Those who voted in the affirmative were,*

Messrs. Beeson, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Helmer, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Humphreys, Hunt, Kent, King, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Manson, McAllister, McConnell, McDonald, Miller, Morris, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stover, Stuart, Suit, Sumner, Taggart, Thompson, Torbet, Walker, Watson, Williams, and Mr. Speaker—68.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Davis, Dice, English, Foster, Harrison, Hart, Hays of White, Henry, Hicks, Holladay of Parke,

Laverty, Lawrence, Major, McDowell, Mudgett, Porter, Stanfield, Wells, Wilson, and Withers—23.

So the vote was reconsidered.

The question being, shall the bill be engrossed for a third reading?

On motion by Mr. Stuart,

The House adjourned to meet to-morrow morning at 9 o'clock.

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TUESDAY MORNING,  
December 16, 1851. }

The House met.

The journal of the preceding day was partly read ; when,

On motion by Mr. Hay,

The further reading of the journal was dispensed with.

#### PETITIONS, REMONSTRANCES, &C. PRESENTED.

By Mr. Hicks:

The remonstrance of Thomas Bland and other citizens of Jefferson and Jennings counties, against the petition of Silas Needham and others for the location of a State road in said counties.

Which,

On motion,

Was referred to the committee on Roads.

#### REPORTS FROM COMMITTEES.

Mr. Behm, from the committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary committee, to which was referred the accompanying resolution, have had the same under consideration, and have directed me to report that, in the opinion of the committee, the enactment of a special act amendatory of a special act upon a subject to



which a law of uniform operation throughout the State would be strictly applicable, would not be within the constitutional powers of the Legislature, and are further of opinion that, independent of the constitutional objection, the passage of a general law upon the subject will supersede the necessity of the special act suggested by the resolution; the committee therefore recommend that the subject be indefinitely postponed.

The above report was amended so as to discharge the committee from the further consideration of the matter.

Mr. Helmer, from the committee on Corporations, made the following report:

**MR. SPEAKER :**

The committee on Corporations, to whom was referred the petition of Jesse B. Oakes and others, citizens of Pleasant View, in the county of Shelby, have had the same under consideration, and have instructed me to report that, in their opinion, it is not only inexpedient but would be unconstitutional to legislate upon the subject matter contained in said petition, except by general laws, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Miller, chairman of the committee on Swamp Lands, made the following report:

**MR. SPEAKER :**

The committee on Swamp Lands, to whom was referred the special message of the Governor, in answer to a certain resolution of the House of the 5th instant, on the subject of the Swamp Lands, have had the same under consideration; and in relation to that part of the message suggesting the propriety of appointing a clerk to assist the Governor in comparing the maps and lists preparatory to being sent to the General Land Office, have directed me to report the following bill and respectfully recommend its passage.

No. 36. A bill to authorize the Governor of this State to engage the services of a clerk to examine the maps and lists of the swamp lands granted by the General Government to this State.

Which was read a first time and passed to a second reading.

## RESOLUTIONS.

On motion by Mr. Smith of Spencer,

*Resolved*, That the committee on Fees and Salaries be, and they are hereby instructed to inquire into the expediency of reducing the fees of clerks in the probate courts.

On motion by Mr. Doughty,

*Resolved*, That the committee on Agriculture be instructed to inquire into the expediency of passing an act to tax all dogs to the amount of twenty-five cents for the first dog, and fifty cents for each and every additional dog that may be owned or harbored about his or her premises within this State, the proceeds arising from such tax to be applied to pay for all sheep that may be killed by dogs within each county, and the overplus, if any, to be applied to the use of common schools.

Mr. Beeson offered the following resolution :

*Resolved*, That the committee on the Judiciary be requested to report a bill to carry into full effect the provisions of the thirteenth article of the constitution, in relation to the exclusion of negroes and mulattoes.

Which was not adopted.

Mr. Stevens offered the following resolution :

*Resolved*, That the committee on Ways and Means be requested to inquire into the expediency of providing for publishing in county newspapers, all laws that take effect from and after their passage and publication.

Mr. Smith of Marion, moved to amend the resolution by striking out "county," and inserting "one in each senatorial district."

Which motion did not prevail.

The question recurred on the adoption of the resolution ;

Which was decided in the affirmative.

Mr. Dice offered the following resolution :

*Resolved*, That the committee on Ways and Means be and are hereby instructed to inquire into the expediency of so changing the present law, authorizing the boards of commissioners, of the several counties to fix the amount for license, for shows, circuses, menageries &c.; that no license shall be granted for less than one hundred dollars, nor more than five hundred.

The question being on the adoption of the resolution.

The ayes and noes were demanded by Messrs. Douthit and Withers.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Brady, Bryant, Cowgill, Davis, Dice, Donaldson, Douthit, English, Gunn, Hay of Clark, Helmer, Henry, Lindsay of Howard, Litchfield, Manson, Mayfield, McConnell, Morris, Mudgett, Nelson, Scudder, Staton, Stevens, Stover, Struble, Sumner, Sweet, Thompson, Walker, Watson, Withers and Mr. Speaker—34.

*Those who voted in the negative were,*

Messrs. Barker, Beeson, Behm, Bulla, Chowning, Crawford, Crim, Cromwell, Dobson, Donham, Doughty, Eccles, Foster, Geddes, Gibson, Glazebrook, Goudy, Graham, Hanna, Harrison, Hart, Hays of White, Hicks, Holliday of Blackford, Hostetter, Hudson, Huey, Humphreys, Kent, King, Lavery, Lawrence, Lindsey of Fayette, Major, McAllister, McDonald, McDowell, Miller, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stuart, Suit, Taggart, Wells, Williams, and Wilson—53.

So the resolution was not adopted.

On motion by Mr. Beeson,

*Resolved*, That the committee on Elections be instructed to report at an early day a general bill for the government of State, county and township elections.

Mr. Humphreys, in pursuance of previous notice, obtained leave and introduced

No. 5. A joint resolution in relation to mistakes in the purchase of lands in the Vincennes Land District ;

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

The question pending at the last adjournment was upon the engrossment of

No. 16. A bill to amend the 1st, 2d and 3d sections of an act entitled an act for the more effectual, just and equal assessment and valuation of the personal property, moneys, rights, credits, effects and corporation stock in the State of Indiana, approved February 13th, 1851.

Mr. McConnell moved to reconsider the vote on the adoption of the following amendment offered by Mr. Miller, viz:

Amend by adding to the end of the 2d section as follows:

*Provided*, That each person, so assessed may, under oath, deduct the amount of his or her indebtedness, owing to citizens of this State from the aggregate value of his or her personal property, not hereinbefore provided for.

Mr. English moved to postpone the further consideration of the bill until Thursday next, at 2 o'clock, P. M.;

Which motion did not prevail.

Mr. Barker moved a call of the previous question;

Which was not seconded by the House.

The question being on reconsidering the vote on Mr. Miller's amendment:

The ayes and noes were demanded by Messrs. McConnell and McDonald.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Dice, Donaldson, Donham, Eccles, Geddes, Gibson, Gookins, Hanna, Harrison, Hay of Clark, Hays of White, Helmer, Henry, Hudson, Hunt, Kent, King, Lavery, Lawrence, Lewis, Litchfield, Major, Mayfield, McConnell, Mudget, Nelson, Owen, Porter, Ray, Schoonover, Scudder, Staton, Stevens, Stuart, Sweet, Taggart, Torbet, Watson, Wells, Withers, and Mr. Speaker—50.

*Those who voted in the negative were,*

Messrs. Barker, Beeson, Behm, Bulla, Crawford, Crim, Cromwell, Davis, Dobson, Doughty, Douthit, English, Foster, Glazebrook, Goudy, Graham, Gunn, Hart, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Huey, Humphreys, Leviston, Lindsey of Fayette, Lindsay of Howard, McAllister, McDonald, McDowell, Miller, Morris, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Struble, Suit, Sumner, Thompson, Walker, Williams, and Wilson—46.

So the vote on the adoption of the amendment was reconsidered.

Mr. English moved to recommit the bill to the committee on Ways and Means, with the following instructions:

To modify the bill so as to make it conform to the imperative resolution of instruction adopted by this House on the — inst.; which resolution reads as follows:

*Resolved*, That in the judgment of this House, the only true and just system of taxation is that which compels each individual to pay a tax in proportion to his or her wealth; and that the committee on Ways and Means are hereby instructed to observe this principle in any proposed modification of our revenue system.

Mr. Williams moved to amend the instructions by adding the following:

Strike out of 13th line, "More than such person pays interest for."  
Strike out of 15th line, "More than such person or body corporate making such list, may be indebted."

Which motion did not prevail.

The question recurred on recommitting the bill, with the instructions of Mr. English.

And the question being put,

The ayes and noes were demanded by Messrs. English and Suit.

*Those who voted in the affirmative were,*

Messrs. Beeson, Behm, Cockrum, Crawford, Crim, Cromwell, Davis, Dobson, Doughty, Douthit, Eccles, English, Glazebrook, Goudy, Graham, Gunn, Hart, Hays of White, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Huey, Humphreys, Leviston, Lindsey of Fayette, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Suit, Sumner, Thompson, Watson, Williams, and Withers—45.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Dice, Donaldson, Donham, Foster, Geddes, Gibson, Gookins, Hanna, Harrison, Hay of Clark, Helmer, Henry, Hudson, Hunt, Kent, King, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Manson, McConnell, Mudget, Nelson, Owen, Porter, Ray, Schoonover, Scudder, Staton, Stevens, Struble, Stuart, Sweet, Taggart, Torbet, Walker, Wells, Wilson, and Mr. Speaker—52.

So the bill was not committed with the instructions proposed by Mr. English.

Mr. King moved to amend the amendment, by striking out the words "owing to citizens of this State."

Pending which,

On motion by Mr. Stuart,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

The hour having arrived,

The House proceeded to the consideration of a resolution of Mr. Owen, in relation to a revised law of descents, and the following pending amendment thereto by Mr. Wells:

Strike out the second provision, and insert the following:

If a husband die testate or intestate, one-third of his property, real and personal, shall descend to his widow, subject, however, to the debts of the husband contracted before marriage: *Provided*, That the widow may elect, instead thereof, to take against all creditors, such an amount of her husband's property as, together with any property owned by herself, shall not exceed the amount which may, at the time, be exempt by law from seizure or sale for debt.

Further, strike out the 4th, 5th and 6th provisions.

Mr. Wells subsequently withdrew his amendment.

Mr. McDonald offered the following amendments:

Amend the second proposition by inserting in the second line, after the word "from," the following words: "All liens of judgment," and add to the second branch of the resolution,

And *Provided*, further, that the amount of personal property by this provision secured to the widow against the demands of creditors, shall not exceed one thousand dollars.

Add to the fifth proposition the following provision:

*Provided*, that if the whole amount of real and personal estate shall not exceed the value of one thousand dollars, then the whole shall go to the widow or widower, as the case may be.

Which amendments were adopted.

Mr. Nelson offered the following amendment to the resolution:

If a husband die testate or intestate, leaving no children, the whole of his property, real and personal, if the amount does not exceed three hundred dollars, shall descend to his widow, free from all debts of creditors, and that there shall be no administration on said property; or if the value of said property shall exceed in value three hundred dollars, then the debts shall be paid, if there be sufficient, and the balance go to the widow: *Provided*, it be not reduced below three hundred dollars. If the husband die leaving children, then the whole property, real and personal, shall, if the amount do not exceed five hundred dollars, go to the widow free from all demands of creditors, and without administrator; and for her to maintain said children as long as they remain with her, or maternal assistance is required.

Which was adopted.

Mr. Smith of Spencer offered the following amendment :

*Fourth.* If a husband die intestate, leaving a child, or children, his property, both real and personal, shall two-thirds, after all the debts are paid, descend to the widow during her natural life time.

*Fifth.* If a husband die intestate, leaving no children, then the wife shall be entitled to all the real estate and personal property in fee simple: *provided*, the real estate and personal property does not exceed one thousand dollars; and if said property exceeds one thousand dollars after all debts are paid, shall be equally divided with the father and mother of the deceased husband; and if there be no father or mother living, then it shall descend to the brothers and sisters, and if there be no brothers or sisters, then in that case the wife shall heir all.

The question being on the adoption of the amendment :

The ayes and noes were demanded by Messrs. Smith of Spencer and Watson.

*Those who voted in the affirmative were,*

Messrs. Brady, Helmer, Ray, Shanklin, Smith of Spencer, and Walker—6.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Harrison, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hud-

son, Huey, Humphreys, Hunt, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Wells, Williams, Wilson, Withers, and Mr. Speaker—85.

So the amendment was not adopted.

Mr. Foster moved to refer the bill to the committee on the Judiciary.

Mr. Stuart moved the following instructions:

To inquire what amendments, if any, are necessary to the present laws in relation to descents, distribution and dower; and that if said committee deem amendments necessary, they report a bill for that purpose for the consideration of this House.

The bill was then committed with the instructions of Mr. Stuart. The orders of the day were then resumed.

No. 16. A bill to amend the 1st, 2d, and 3d sections of an act entitled an act for the more effectual, just and equal assessment and valuation of the personal property, moneys, rights, credits, effects, and corporation stock in the State of Indiana, approved February 13th, 1851.

The question at the last adjournment being on the adoption of the amendment of Mr. King to the amendment proposed by Mr. Miller;

Mr. Donaldson moved to lay the pending amendments on the table;

And the question being put:

The ayes and noes were demanded by Messrs. McDonald and English.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Dice, Donaldson, Donham, Eccles, Geddes, Gookins, Hanna, Harrison, Hay of Clark, Hays of White, Helmer, Henry, Hudson, Kent, Lavery, Lawrence, Lewis, Litchfield, Manson, Mayfield, McConnell, Mudget, Nelson, Owen, Porter, Schoonover, Scudder, Staton, Stevens, Stover, Struble, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Withers, and Mr. Speaker—50.



*Those who voted in the negative were,*

Messrs. Barker, Beeson, Behm, Bulla, Cromwell, Davis, Dobson, Doughty, Douthit, English, Foster, Glazebrook, Goudy, Graham, Gunn, Hart, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Huey, Humphreys, Hunt, King, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, McAllister, McDonald, McDowell, Miller, Morris, Ray, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stuart, Suit, Sumner, Williams, and Wilson—46.

So the amendment and the amendment to the amendment were laid on the table.

Mr. Glazebrook offered the following amendment :

Amend the 2d section by striking out the words in the 13th line "more than such person pays interest for." And in the 15th line the words "more than such person or body corporate making such list, may be indebted."

Mr. Harrison moved to lay the amendment on the table ;  
And the question being put :

The ayes and noes were demanded by Messrs. Harrison and Glazebrook.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Dice, Donaldson, Donham, Doughty, English, Foster, Geddes, Gookins, Hanna, Harrison, Hay of Clark, Helmer, Henry, Hudson, Humphreys, Hunt, Kent, Lewis, Litchfield, Major, Manson, McConnell, Mudgett, Nelson, Owen, Porter, Schoonover, Scudder, Staton, Stevens, Stover, Sweet, Taggart, Torbet, Walker, Watson, Williams, and Mr. Speaker—48.

*Those who voted in the negative were,*

Messrs. Behm, Bulla, Crawford, Cromwell, Davis, Douthit, Eccles, Glazebrook, Goudy, Graham, Gunn, Hart, Hays of White, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Huey, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Ray, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Struble, Stuart, Suit, Sumner, Thompson, Wells, Williams, and Wilson—45.

So the amendment was laid on the table.

Mr. Davis of Franklin, moved to indefinitely postpone the bill;  
 And the question being put,  
 The ayes and noes were demanded by Messrs. Davis and Cowgill.

*Those who voted in the affirmative were,*

Messrs. Behm, Bulla, Cromwell, Davis, Foster, Glazebrook, Graham, Gunn, Helmer, Humphreys, McDonald, McDowell, Reynolds, Scudder, Smith of Spencer, Stanfield, Suit, and Walker—18.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Geddes, Gookins, Goudy, Hanna, Harrison, Hart, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hunt, Kent, Lavery, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Schoonover, Shanklin, Smith of Marion, Spencer, Staton, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Torbet, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—73.

So the bill was not indefinitely postponed.

Mr. Schoonover called the previous question ;

Which was seconded by the House.

The question being, shall the main question be now put ?

It was decided in the affirmative.

The main question being, shall the bill be engrossed for a third reading ?

Was decided in the affirmative.

So the bill was ordered to be engrossed.

On motion,

The order of business was suspended, and

Mr. McDonald offered the following resolution :

*Resolved*, That the Treasurer of State be requested to report to this House at as early a day as possible, whether he has in his office any account or evidence of there being such a county as the county of Lake in the State of Indiana ; and if so, whether there is any swamp lands selected therein, and how many acres.

Which was adopted.

On motion by Mr. King,

The vote referring bill

No. 14. A bill for the subscription to and preservation of the public newspapers printed in the several counties in this State;

To the committee on the State Library, was reconsidered.

On motion by Mr. King,

The bill was referred to a select committee consisting of Messrs. King, Torbet and Harrison.

By the unanimous consent of the House,

Mr. Eckles had leave to change his vote on the journal of yesterday on Mr. English's amendment to bill

No. 16. A bill to amend the first, second and third sections of an act entitled "An act for the more effectual, just and equal assessment and valuation of property.

On motion by Mr. Buskirk,

The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, }  
December 17, 1851. }

The House met.

The journal of the preceding day was read.

#### PETITIONS, MEMORIALS, REMONSTRANCES, &C., PRESENTED.

By Mr. Morris:

The petition of sundry citizens of Henry county, relative to prohibiting the sale of spirituous liquors in said county;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Behm:

The petition of 1,000 ladies and gentlemen of this State, on the subject of Temperance;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Beane:

A memorial of ladies and gentlemen on the subject of Temperance;

Which was,

On motion,

Referred to the committee on Temperance.

By Mr. Reynolds:

The petition of sundry citizens of Grant and Blackford counties, praying the repeal of an act passed 13th February, 1851, constituting a school district in said counties ;

Which,

On motion,

Was referred to the committee on Education.

By Mr. Dobson,

The petition of James Blalock and Rhoda Emaline Blalock, praying the passage of a law authorizing them to make a deed in a certain case ; which was,

On motion by Mr. Dobson,

Referred to the Judiciary committee with the following instructions :

To report a special law if constitutional, or if not, then a general law if expedient.

By Mr. Holliday of Blackford,

The remonstrance of sundry citizens of Grant and Blackford counties, remonstrating against the repeal of an act passed 13th February, 1851, constituting a school district in said counties ; which was,

On motion,

Referred to the committee on Education.

#### REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the committee on the Judiciary, made the following report :

**MR. SPEAKER:**

The Judiciary committee, to which was referred House bill No. 6, entitled a bill to provide for the appointment of commissioners to revise and simplify the practice and pleadings of courts of justice, and to reduce into a systematic code the statute law of the State, have had the same under consideration and have directed me to report the same back with the following amendments, to-wit:

1st. Strike out the 3d specification of the first section of the bill to the word "State," inclusive.

2d. Insert the word "present" before the words "General Assembly" in the fourth specification of the first section, and strike out all of the specifications after the word "labors" and insert the words "at the earliest practicable period."

3d. Strike out all after the word "commissioners" in the second section.

4th. Strike out the word "next" in the third section and insert the word "present."

5th. Strike out the words "a year" in the 4th section, and insert in lieu thereof the words "per day while actually engaged in the duties of the commission," and fill the blank in the section with the word "fine."

6th. Strike out the 5th and 7th sections.

7th. Fill up the blank in the 6th section with the word "two."  
And as amended, recommend its passage.

Which was concurred in,

And the bill was ordered to be engrossed for a third reading.

Mr. Behm, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred bill of the House No. 1, entitled a bill to provide for the election of commissioners to revise, simplify and abridge the rules, practice, pleadings and forms of courts of justice, and defining their duties, fixing their compensation and regulating their term of office," have had the same under consideration and as said committee have had under consideration and recommended the passage of a bill with an object similar to the foregoing, they have directed me to report said bill No. 1 back to the House with a recommendation that the same be laid upon the table.

Which was concurred in.

Mr. Stuart, chairman of the committee on the organization of courts of justice, made the following report:

MR. SPEAKER:

The committee on the organization of courts, have had those parts of the statute laws of this State relating to courts of justice, and which was referred to them by resolution of the House under consideration, and have instructed me to report the following bill in relation to the organization of the Supreme Court, and respectfully recommend its passage:

No. 37. A bill relating to the organization of the Supreme Court, its judges, their terms, jurisdiction, powers and duties, and matters incident thereto.

Which was read a first time, and passed to a second reading.

Mr. King, from a select committee, made the following report:

Mr. SPEAKER:

The special committee appointed to consider and report upon an act referred to it, entitled an act for the subscription to and preservation of the public newspapers printed in the several counties of this State, report the same back to the House and respectfully recommend its passage.

Which was concurred in.

Mr. Humphreys moved that the bill be indefinitely postponed;  
Which motion did not prevail.

Mr. Smith of Spencer moved to amend the bill by making it discretionary with the county recorders;

Which motion did not prevail.

Mr. Hanna moved to strike out "daily and" wherever it occurred in the bill;

Which motion prevailed.

Mr. Behm moved to reconsider the vote on the adoption of the amendment by Mr. Hanna;

Which motion did not prevail.

Mr. Gibson moved to strike out the proviso in the bill;

Which motion prevailed.

The question then being on the engrossment of the bill,

The ayes and noes were demanded by Messrs. Humphreys and Barker.

*Those who voted in the affirmative were,*

Messrs. Beach, Behm, Bryant, Buskirk, Carpenter, Cowgill, Crawford, Davis, Dice, Dobson, Doughty, English, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Harrison, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hunt, Kent, King, Lavery, Lewis, Manson, Mayfield, McConnell, McDonald, McDowell, Nelson, Owen, Porter, Reynolds, Smith of Marion, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sweet, Torbet, Walker, and Watsom—56.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Beeson, Brady, Bulla, Chowning, Cockrum, Cromwell, Donham, Douthit, Eccles, Foster, Glazebrook, Graham, Henry, Humphreys, Lawrence, Leviston, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, McAllister, Miller, Morris, Mudget, Ray, Schoonover, Scudder, Shanklin, Smith of Spencer, Suit, Sumner, Taggart, Thompson, Wells, Williams, Wilson, Withers, and Mr. Speaker—40.

So the bill was ordered to be engrossed.

## RESOLUTIONS OF THE HOUSE.

The following resolution, offered by Mr. Brady, some days since, came up to be considered, viz:

*Resolved*, That we deem it inexpedient, at the present session of the Legislature, to increase the judges of the supreme court beyond the present number, *three*.

On motion by Mr. Suit,  
The resolution was laid on the table.  
Mr. Hudson offered the following resolution :

*Resolved*, That there be a committee of five appointed, whose duty it shall be to consider specially our present *Probate System*, the duties of executors and administrators, &c., &c.; and who shall report to this House as soon as practicable such alterations, substitutions, and reductions in said system as to them may seem advisable.

Which was not adopted.

On motion by Mr. Holman,  
Mr. Hudson was added to the committee on the "organization of courts of justice."

Mr. Shanklin offered the following resolution :

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of so amending the law relating to delinquent taxes, sales and conveyance of land, and the redemption thereof, as to allow the owner or occupant of any lands sold for taxes, to redeem the same at any time within two years after the last day of such sale, by paying to the county treasurer, for the use of the purchaser, his heirs or assigns, the sum paid by said purchaser at said sale, and the amount of all subsequent taxes paid by said purchaser to his heirs or assigns, with thirty-three and a third per cent. on the whole sum and interest from the date of purchase, or from the time of payment, and that they report to this House by bill or otherwise.

Which was not adopted.

On motion of Mr. Holladay of Parke,

*Resolved*, That the committee on Education report a bill providing for the election, and prescribing the duties and compensation of "a State Superintendent of Public Instruction," in conformity with Article 8, Sec. 8, of the Constitution.

On motion by Mr. Sumner,

*Resolved*, That the Auditor of State be, and is hereby instructed to report to this House, at as early a period as possible, the particular items of expense denominated incidental, under the head of "expenses of agency," in report of 1851.

On motion by Mr. Hay,

*Resolved*, That the committee on Education be instructed to revise, amend, and condense into one act, all laws on the subject of common schools, and report the same.

Mr. Stanfield offered the following resolution :

*Resolved*, That the committee on fees and salaries, be instructed to provide an annual salary of one thousand dollars for each circuit judge; thirteen hundred dollars for each supreme judge, and fifteen hundred dollars for the Governor, and report by bill.

On motion by Mr. Dobson,  
The resolution was laid on the table.

Mr. Gookins offered the following preamble and resolution :

WHEREAS, The trials of impeachments of county and township officers before the Legislature, occasion great expense to the State, and great trouble and expense to witnesses and parties in attending such trials at the seat of government; and are otherwise inconvenient, vexatious, and ought to be abolished; therefore,

*Resolved*, That the committee on the Judiciary be instructed to report a bill providing for the trial of all impeachment of county and township officers, in the circuit court; and providing, further, that upon the trial of any charge by indictment, or otherwise, against any county or township officer, for official misconduct, if the court or jury trying the same shall be of opinion that such misconduct was wilful, and intentional, it shall be a part of the verdict and judgment that he be removed from office.

Which was adopted.

Mr. Humphreys offered the following preamble and resolution :

WHEREAS, The Constitution requires the Legislature, at its present session, to provide for the appointment of three commissioners, whose positive duties are defined in said instrument, in relation to the simplification of pleadings, &c. Therefore be it



*Resolved*, That the House will, the Senate concurring, proceed to appoint two of the members of this House, and the Senate shall appoint one of the members of said body, whose duty it shall be to immediately revise, simplify and abridge the rules, practice, pleadings and forms of the courts of justice; and they shall provide for abolishing the distinct forms of action at law now in use; and that justice shall be administered in a uniform mode of pleading without distinction between law and equity; and that said members of the House and Senate, whilst in the discharge of the duties hereby imposed, shall receive no other compensation than their per diem pay as members of the General Assembly; but they shall not be compelled during said employment, to attend the meetings of their respective Houses, nor the meetings of any other committees; and may, if it is by them deemed necessary, employ a clerk; and shall, during their services, be entitled to the use of a committee room, and have all necessaries furnished to facilitate the discharge of their duties, and shall report the result of their deliberations to this General Assembly; and said commissioners may meet and consult with a committee or committees appointed for the purpose of revising other laws than those which it is the absolute duty of these commissioners to consider.

Which was not adopted.

Mr. Gunn offered the following resolution:

*Resolved*, That the committee on Fees and Salaries be, and they are hereby instructed to inquire into the expediency of so changing the law which provides for the issue of marriage licences, and recording marriage certificates, as to make it the duty of the county recorder in each county in this State, to issue such licenses and record such certificates, and that said committee report to this House.

Which was not adopted.

On motion by Mr. Beeson,

*Resolved*, That the committee on Agriculture be requested to inquire into the expediency of prohibiting any person from letting any bull, boar or ram, run at large, and report by bill or otherwise.

By the unanimous consent of the House,

Mr. Davis of Franklin, introduced No. 6. A joint resolution;

Which was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Stanfield introduced bill

No. 38. A bill prescribing rules for making drafts upon the county treasury, and for the limitation of county expenditure.

Which was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Buskirk introduced bill

No. 39. A bill to legalise the action of school commissioners, in cases where the tax duplicates have been made out before the taking effect in their counties, of the school law of 1849;

Which was read a first time, and passed to a second reading.

By unanimous consent of the House,

Mr. Holman offered the following resolution :

*Resolved*, That the State Printer be requested in all cases where a document is required to be printed by this House, to submit the *proof sheet* thereof to the member by which the document may have been introduced, or the chairman of the committee from whom the same may have been reported, for correction.

Which was adopted.

#### ORDERS OF THE DAY.

On motion by Mr. Behm,

The order of business was suspended, and the House proceeded to the consideration of bill

No. 33. A bill to abolish the Tippecanoe court of common pleas, to provide for the trial of causes pending therein, and to regulate all proceedings.

Which was read a second time.

On motion by Mr. Smith of Marion,

The Marion court of common pleas was added, and the bill so amended as to correspond with the addition.

Mr. Behm moved to suspend the rule and read the bill a third time.

The question being, shall the rule be suspended ?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Harrison, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Huey, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Sperker—92.

Mr. Beeson voted in the negative.

So the rule was suspended, and the bill was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Harrison, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Struble, Stuart, Suit, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—91.

No person voting in the negative.

So the bill passed.

On motion by Mr. Brady,

The title of the bill was so amended as to correspond with the body thereof.

Ordered, that the clerk inform the Senate thereof.

Mr. Owen moved that when the House adjourns to-day, it will adjourn to meet to-morrow morning at nine o'clock.

Which motion prevailed.

#### HOUSE BILLS ON THIRD READING.

No. 25. A bill to provide for publishing the acts and joint resolutions of the General Assembly,

Was read a third time;

And the question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Barker, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crom-

well, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Harrison, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Humphreys, Hunt, King, Lavery, Lawrence, Levis-ton, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—92.

Mr. McDonald voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

On motion,

The order of business was suspended, and

Mr. Donaldson offered the following resolution:

*Resolved*, That it shall be the duty of any clerk that is authorized to be employed by this House, to assist any of the standing committees in the discharge of their respective duties, when not actually engaged in the discharge of the duties of their respective committees.

Which was adopted.

On motion by Mr. Holman,

The vote of the House adding Mr. Hudson to the committee on the organization of courts of justice,

Was reconsidered.

The question recurred on the motion to add Mr. Hudson to the committee on the organization of courts, &c.; when

Mr. Holman withdrew the motion.

On motion by Mr. Gibson,

Two additional members were added to the committee on the organization of courts of justice, viz: Messrs. Kent, and Holladay of Parke.

Mr. Smith of M., chairman of the committee on Enrolled Bills, made the following report:

**MR. SPEAKER :**

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill, and find it correctly enrolled :

No. 2. An act to authorize the board of county commissioners to take and approve the official bonds of sheriffs, coroners, county recorders and clerks of the circuit courts.

Whereupon,

The Speaker signed the same.

Ordered,

That the Senate be informed thereof.

On motion by Mr. English,

The House adjourned.

THURSDAY MORNING, 9 o'clock, }  
December 18th, 1851. }

The House met.

The journal of the preceding day was read.

**PETITIONS, &C., PRESENTED.**

By Mr. Barker :

The petition of Elizabeth Harbinson, a widow, of the county of Dubois, together with her children, asking certain lands therein named to be revived in the name of the widow and heirs ;

Which,

On motion,

Was referred to the committee on the Judiciary.

Messrs. Laverty and Behm were appointed by the Speaker a joint standing committee on Enrolled Bills.

## REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary committee, to which was referred that portion of the Governor's message that suggests the establishment of the office of Attorney General, also, the communication of the Auditor of State relative to "amounts paid for counsel and legal opinions during the last ten years," have had the same under consideration, and beg leave to report that, in the opinion of the committee, many beneficial results might be anticipated from the establishment of the office of Attorney General. Independent of the advantages of such an officer in superintending litigations in which the interests of the State might be involved, such an officer would render to the various executive officers of the State, and more especially those connected with the trust funds devoted to education, services of the most valuable character. Inasmuch, however, as from information furnished the committee, the occasional amounts paid by the State in the employment of legal counsel are far less than the amount that would be necessary to secure permanently the services of a competent Attorney General; and inasmuch as the office is not indispensably necessary for the due administration of the State government, and economy in the public expenditures imperatively required by the condition of our finances, therefore the committee recommend that the subject be indefinitely postponed; and ask to be discharged from the further consideration of the subject.

Which was concurred in.

A message from the Senate by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed House bill

No. 13. Entitled "a bill to authorize the Grand Lodge of Free Masons of the State of Indiana to erect and maintain a monument on the battle-ground of Tippecanoe;"

With the following engrossed amendments thereto, in which the concurrence of the House is requested.

On motion by Mr. Behm,

The bill and accompanying amendments contained in the foregoing message, were laid on the table.

A message from the Senate by Mr. Dunn, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that they have passed the following engrossed joint resolution thereof, to-wit :

Joint resolution No. 22. Entitled a joint resolution relative to granting public lands to settlers ;

In which the concurrence of the House is respectfully requested.

The joint resolution contained in the foregoing message, was read a first time, and passed to a second reading.

A message from the Senate, by Mr. Dunn, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that they have passed the following engrossed bill thereof, to-wit :

No. 11. Entitled "an act for the government of the Indiana Hospital for the Insane, and the care of the insane in Indiana" ;

In which the concurrence of the House is respectfully requested.

The bill contained in the foregoing message was read a first time, and passed to a second reading.

Mr. Beach, from the committee on the Judiciary, made the following report :

**MR. SPEAKER :**

The committee on the Judiciary, to whom was referred the petition of Isaac E. Johnson and others, citizens of Owen county, praying for the passage of a law authorizing the probate court of said county to sit two weeks at the February term thereof 1852, and also to inquire into the expediency of passing a general law, authorizing the probate courts of this State to sit two weeks at the February terms thereof, provided the business may require it—have had the subject under consideration, and have directed me to report

*First.* That the special act prayed for is of doubtful constitutionality ; and,

*Second.* That it is at this time inexpedient to legislate on the subject ;

They therefore ask to be discharged from the further consideration of the subject.

Which was concurred in.

## RESOLUTIONS OF THE HOUSE.

On motion by Mr. Manson,

*Resolved*, That the committee on Public Buildings be instructed to inquire into the expediency of purchasing stoves for this Hall, and report to this House as early as practicable.

Mr. Owen, under the rule, gave notice of a motion for leave to offer a resolution, authorising the standing committees on Education of both Houses, to meet jointly on subjects referred to said committees.

Mr. Barker offered the following resolution :

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of printing a part of the laws of the present session in the German Language.

Which was not adopted.

On motion by Mr. Beeson,

*Resolved*, That the committee on the Organization of Courts of Justice be requested to inquire into the expediency of abolishing the grand jury system, and report by bill or otherwise.

Mr. Doughty offered the following resolution :

*Resolved*, That the committee on Agriculture be instructed to inquire into the expediency of levying a tax on all persons, of any sum not exceeding five dollars nor less than two dollars, for each and every slut, (or as they are commonly called bitches,) that they may own or harbor in or about their premises.

Mr. Nelson moved to amend the resolution by striking out the committee on Agriculture and inserting the committee on the Rights and Privileges of the Inhabitants of this State.

Which motion prevailed.

The resolution, as amended, was then adopted.

On motion by Mr. Thompson,

*Resolved*, That the committee on Elections be requested to inquire into the expediency of establishing one precinct in each township in the several counties in this State, and report by bill or otherwise.

On motion by Mr. Holliday of Parke,

*Resolved*, That the committee of Ways and means inquire into



the expediency of investing the common school fund in Indiana State stocks, and report by bill or otherwise, in conformity with article 8, section 4, of the Constitution.

On motion by Mr. Cockrum,

*Resolved*, That the committee on the Judiciary be, and they are hereby requested to examine the constitutionality of an act to define the jurisdiction of justices of the peace in the several counties therein named, approved January 16, 1849, and report to this House their opinion thereon.

On motion by Mr. Helmer,

*Resolved*, That the committee on the Judiciary be instructed to prepare and report to this House a bill in accordance with the eighth section of the fifteenth article of the amended Constitution, which provides that lotteries shall not be authorised nor the sale of lottery tickets allowed.

On motion by Mr. Hicks,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of providing for an equal distribution of the school funds to the several districts.

Mr. Foster offered the following resolution :

*Resolved*, That the committee on Elections be requested to report a bill to this House making it the duty of the electors in the several counties in this State to elect a county assessor at the annual election, and that said assessor shall proceed immediately after the first day of January, in each year, to make an assessment of the taxable property of his county.

Mr. Dobson offered the following amendment to the resolution :  
 "Amend so as to make it one of inquiry."

Which was adopted.

On motion by Mr. Buskirk,

The reference of the resolution was changed from the committee on Elections to the committee on Ways and Means.

The resolution was then adopted.

Mr. Lindsay of Howard offered the following resolution :

*Resolved*, That this House will, from and after Monday next, dispense with the further services of the Sergeant-at-Arms, and that

the Doorkeeper act as such during the present session, from that date.

The question being on the adoption of the resolution.

The ayes and noes were demanded by Messrs. Lindsay and Douthit.

*Those who voted in the affirmative were,*

Messrs. Beane, Behm, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis, Dobson, Donaldson, Donham, Doughty, Douthit, English, Foster, Geddes, Glazebrook, Gookins, Goudy, Graham, Gunn, Hays of White, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Hunt, King, Laverty, Lawrence, Leviston, Lindsay of Howard, Major, Mayfield, McAllister, McDonald, Mudget, Reynolds, Scudder, Shanklin, Smith of Spencer, Statton, Stevens, Suit, Sumner, Sweet, Thompson, Walker, Watson, Wells, Wilson and Withers—54.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beeson, Brady, Bryant, Buskirk, Chowning, Crawford, Dice, Eccles, Gibson, Hanna, Harrison, Hay of Clark, Henry, Holman, Huey, Huffstetter, Kent, Lewis, Lindsey of Fayette, Litchfield, Manson, McConnell, McDowell, Nelson, Owen, Porter, Ray, Schoonover, Smith of Marion, Spencer, Stanfield, Stover, Struble, Stuart, Taggart, Williams, and Mr. Speaker.—39.

Mr. Cockrum by unanimous consent recorded his vote.

So the resolution was adopted.

The following report from the committee on Engrossed Bills:

**MR. SPEAKER:**

The committee on Engrossed Bills, have examined engrossed House bills Nos. 25 and 33 and find the same correctly engrossed.

On motion by Mr. Scudder,

*Resolved*, That the committee on the Organization of Courts be instructed to propose and report to the House, a substitute to supply the place of the grand jury system in the event that they deem it expedient to abolish that system.

On motion by Mr. Brady,

*Resolved*, That the standing committee on Ways and Means be directed to provide by law, for the stopping the interest on the outstanding treasury notes, within a limited time, according to the recommendations of his Excellency the Governor.

On motion by Mr. Goudy,

*Resolved*, That the committee on the Organization of Courts of Justice, be requested to inquire into the expediency of authorizing the county commissioners to grant premiums, when they may deem it expedient with leave to report by bill or otherwise.

Mr. Smith of Spencer offered the following resolution :

*Resolved*, That the committee on the Rights and Privileges of the Inhabitants of this State, be and they are hereby instructed to inquire into the expediency of disposing of the State stock in the Indianapolis and Madison Railroad, by publicly advertising the same for six months under the direction of the Governor of the State, and that said stock shall be sold on one and two years credit, by the purchaser paying one-fourth down in cash or Indiana State bonds, and giving vouchers for the remainder to the acceptance of the Agent of State, and to be approved by the next General Assembly, and the remainder may be liquidated by the surrender of State bonds, and that said committee report by bill or otherwise.

On motion by Mr. Kent,

The reference of the resolution was changed to the committee on Ways and Means.

Mr. Buskirk moved to further change its reference to the committee on Corporations.

Which motion did not prevail.

The resolution was then adopted.

On motion by Mr. Thompson,

*Resolved*, That the committee on Agriculture be requested to inquire into the expediency of causing a license to be levied on Stable Horses, and report by bill or otherwise.

By unanimous consent of the House, Mr. Linsday introduced bill,

No. 40. A bill to regulate the vending of wooden, brass or composition clocks in the several counties of this State.

Which was read a first time and passed to a second reading.

## ORDERS OF THE DAY.

*House bills on second reading.*

On motion by Mr. Gibson, bill,

No. 23. A bill to compute interest annually upon notes or other obligations made payable to executors, administrators, guardians, &c.

Was taken from the table,

On motion,

The vote on the engrossment of the bill was reconsidered.

The question then being on the engrossment of the bill :

Was decided in the negative.

So the bill was not ordered to be engrossed.

No. 32. A bill to enable the board of commissioners of Porter county to borrow money for certain purposes,

Was read a second time.

On motion by Mr. Harrison,

The bill was recommitted to the committee on the Judiciary, with instructions to inquire into and report a general law on that subject.

No. 34. A bill authorizing recorders to make out general or complete indexes to records of deeds and mortgages, and to procure and use seals ;

Was read a second time.

On motion by Mr. King,

The bill was referred to the committee on the Judiciary.

By the unanimous consent of the House,

Mr. Humphreys changed his vote on the passage of bill No. 25, on yesterday.

By unanimous consent of the House,

Mr. Barker was permitted to change his vote on the passage of bill No. 25, on yesterday.

No. 35. A bill to amend the 1st, 2d and 3d sections of an act entitled an act for the more effectual, just and equal assessment and valuation of the personal property, moneys, rights, credits, effects and corporation stock in the State of Indiana, approved Feb. 13, 1851 ;

Was read a second time.

Mr. Hudson moved that the bill be indefinitely postponed ;  
Which motion did not prevail.

Mr. Mudget moved to lay the bill on the table ;

And the question being put,

The ayes and noes were demanded by Messrs. English and Mudget.

*Those who voted in the affirmative were,*

Messrs. Barker, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Donaldson, Doughty, Douthit, Foster, Geddes, Glazebrook, Gookins, Goudy, Gunn, Hanna, Harrison, Hay of Clark, Helmer, Henry, Holladay of Parke, Hudson, Humphreys, Kent, King, Laverty, Lewis, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, Morris, Mudget, Nelson, Owen, Porter, Ray, Schoonover, Scudder, Shanklin, Spencer, Staton, Stevens, Stover, Sumner, Sweet, Thompson, Torbet, Walker, and Mr. Speaker—53.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Beeson, Behm, Brady, Bulla, Chowning, Cromwell, Davis, Dice, Donham, Eccles, English, Gibson, Graham, Hart, Hays of White, Hicks, Holliday of Blackford, Holman, Hostetter, Huey, Huffstetter, Hunt, Lawrence, Leviston, Lindsey of Fayette, McDonald, McDowell, Miller, Reynolds, Smith of Marion, Smith of Spencer, Stanfield, Struble, Stuart, Suit, Watson, Wells, Williams, Wilson, and Withers—42.

So the bill was laid on the table.

A message from the Senate by Mr. Dunn their Secretary :

**MR. SPEAKER:**

I am directed by the Senate to inform the House that the Senate under the 4th joint rule has appointed Messrs. Turman and Holloway as a committee on the part of the Senate on enrolled bills.

#### SENATE BILLS ON SECOND READING.

No. 20. A bill giving to assessors longer time to file their official bonds and to take the oath ;

Was read a second time.

Mr. Gunn moved to suspend the rule and read the bill a third time.

The question being, shall the rule be suspended?

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Goudy, Graham, Gunn, Harrison, Helmer, Holladay of Parke, Holliday of Blackford, Holman, Humphreys, Hunt, King, Lavery, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Manson, McConnell, Morris, Porter, Schoonover, Scudder, Smith of Marion, Staton, Stevens, Stuart, Suit, Thompson, Torbet, Walker, Williams, and Mr. Speaker—52.

*Those who voted in the negative were,*

Messrs. Barker, Beeson, Brady, Eccles, Gibson, Glazebrook, Gookins, Hanna, Hays of White, Henry, Hicks, Hostetter, Hudson, Huey, Huffstetter, Kent, Lawrence, Litchfield, Major, Mayfield, McAllister, McDonald, McDowell, Miller, Mudget, Owen, Nelson, Ray, Reynolds, Smith of Spencer, Spencer, Stanfield, Struble, Sweet, Taggart, Watson, Wells, Wilson, and Withers—39.

So the rule was not suspended.

The bill was then ordered to a third reading.

No. 12. A joint resolution in behalf of the Cuban prisoners,  
Was read a third time.

The question being shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Graham, Gunn, Hanna, Harrison, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—90.

No member voted in the negative.

By the unanimous consent of the House,  
Mr. Huffstetter recorded his vote on the passage of the above joint resolution.

So the joint resolution passed.

Ordered, that the clerk inform the Senate thereof.

#### HOUSE BILLS ON SECOND READING.

No. 5. A joint resolution in relation to mistakes in the purchase of lands in the Vincennes land district;

Was read a second time, and ordered to be engrossed.

No. 36. A bill to authorize the Governor of this State to engage the services of a clerk, to examine the maps and lists of the Swamp lands granted by the General Government to this State;

Was read a second time, and ordered to be engrossed.

#### HOUSE BILLS ON THIRD READING.

No. 16. A bill to amend the 1st, 2d and 3d sections of an act entitled an act for the more effectual, just and equal assessment and valuation of personal property, moneys, rights, credits, effects, and corporation stock in the State of Indiana;

Was read a third time.

Mr. Williams moved to recommit the bill to the committee on Ways and Means, with the following instructions, viz:

Strike out the 13th line, and insert money at interest either within or without this State.

Strike out 14th and 15th lines, and insert, the value of all solvent demands against any person or body corporate either within or without this State.

And the question being put,

The ayes and noes were demanded by Messrs. Williams and McDonald.

*Those who voted in the affirmative were,*

Messrs. Barker, Behm, Crawford, Cromwell, Davis, Donham, Doughty, Douthit, Foster, Gibson, Glazebrook, Graham, Gunn, Helmer, Hicks, Holman, Hostetter, Huey, Humphreys, Lavery, Leviston, Lindsey of Fayette, Major, McAllister, McDonald, McDowell, Miller, Morris, Reynolds, Smith of Spencer, Spencer, Stanfield, Stuart, Suit, Sumner, Taggart, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—43.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Dobson, Donaldson, Eccles, Geddes, Gookins, Goudy, Hanna, Harrison, Hart, Hay of Clark, Hays of White, Henry, Holladay of Parke, Hudson, Huffstetter, Hunt, Kent, Lawrence, Lewis, Lindsay of Howard, Litchfield, Manson, Mayfield, McConnell, Mudget, Nelson, Owen, Porter, Ray, Schoonover, Scudder, Shanklin, Smith of Marion, Staton, Stevens, Stover, Struble, Sweet, Thompson, and Torbet—51.

So the bill was not recommitted with the instructions.

Mr. Dice, by the unanimous consent of the House, was permitted to record his vote, he being without the bar when his name was called.

The question recurred on the passage of the bill,  
And the question being put;

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Dice, Donaldson, Donham, Eccles, Geddes, Gibson, Gookins, Hanna, Harrison, Hay of Clark, Henry, Hudson, Huffstetter, Hunt, Laverty, Lawrence, Lewis, Lindsay of Howard, Litchfield, Manson, McConnell, Mudget, Nelson, Owen, Porter, Schoonover, Smith of Marion, Staton, Stevens, Stover, Struble, Taggart, Torbet, and Mr. Speaker—43.

*Those who voted in the negative were,*

Messrs. Barker, Beeson, Behm, Bulla, Cockrum, Crawford, Cromwell, Dobson, Doughty, Douthit, English, Foster, Glazebrook, Goudy, Graham, Gunn, Hart, Hays of White, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Huey, Humphreys, Kent, Leviston, Lindsey of Fayette, Major, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Ray, Reynolds, Scudder, Shanklin, Smith of Spencer, Spencer, Stanfield, Stuart, Suit, Sumner, Thompson, Walker, Watson, Wells, Williams, Wilson, and Withers—54.

So the bill did not pass.

The Speaker laid before the House the following communication from the Clerk of the Supreme Court in answer to a resolution of this House:



CLERK'S OFFICE OF THE SUPREME COURT, }  
December 17, 1851. }

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives:*

The undersigned, Clerk of the Supreme Court of Indiana, in responding to the following resolution of the House of Representatives, viz:

*Resolved*, That the Clerk of the Supreme Court be requested to communicate to this House, as soon as practicable, the number of causes submitted to the Supreme Court for decision prior to the commencement of the present term, which now remain undecided, stating the number submitted at each term undisposed of in the hands of each judge; also the number of cases pending in said court not yet submitted,

Respectfully states, that there are one hundred and ninety-nine causes submitted prior to the present term yet undecided.

Of these cases ninety-six are in the hands of Judge Blackford, submitted at the following terms:

November Term, 1848 .....	2	cases.
May Term, 1849 .....	4	"
November Term, 1849 .....	12	"
May Term, 1850 .....	19	"
November Term, 1850 .....	30	"
May Term, 1851 .....	29	"
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Total .....	96	"

Twenty-six are in the hands of Judge Perkins, submitted as follows:

May Term, 1849 .....	2	cases.
November Term, 1849 .....	1	"
May Term, 1850 .....	4	"
November Term, 1850 .....	3	"
May Term, 1851 .....	16	"
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Total .....	26	"

Seventy-seven are in the hands of Judge Smith, submitted as follows:

November Term, 1848 .....	1	case.
May Term, 1849 .....	5	"
November Term, 1849 .....	1	"
May Term, 1850 .....	11	"
November Term, 1850 .....	27	"
May Term, 1851 .....	32	"
<hr/>		
Total .....	77	"

Whole number of causes on docket at the commencement of the present term.....	551 cases.
Whole number submitted prior to this time.....	199 “
Leaving unsubmitted at that time.....	352 “

Respectfully yours, &c.,

H. P. COBURN,  
*Clerk of the Supreme Court.*

HON. J. W. DAVIS, *Speaker, &c.*

On motion by Mr. Spencer,

The communication was laid on the table.

The Speaker laid before the House the following communication from the Auditor of State in answer to a resolution of the House :

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, December 18, 1851. }

HON. JOHN W. DAVIS,  
*Speaker of the House of Representatives :*

SIR:—I am in receipt of the following resolution of the House:

*Resolved*, That the Auditor of State be required to communicate to this House the nature of the duties of the county auditors in the several counties in this State, their present compensation, what would constitute a fair rate of fees, and whether, in his opinion, additional legislation is necessary relative to the duties of such officers, together with any other matters, connected with the subject, that he may be disposed to communicate.

And in answer thereto, respectfully submit the following :

The office of county auditor was created under the act approved February 12, 1841. The old revenue system was found to be cumbersome, unwieldy, uncertain, and in no respect adapted to the wants and necessities of a growing State. The clerk of the circuit court in each county was *ex officio* clerk of the board of commissioners, or board of justices, as the case might be, with a compensation barely nominal, with duties imperfectly defined, and in many cases, more imperfectly discharged. In a majority of cases, no intelligible records were kept, tax titles were worthless, and the accounts of the county were confused, incorrect, and deranged.

To all who examined the subject, it was apparent that a re-organization of the system was necessary—that the mode in operation,

although answering the purpose, when only a sufficient amount of revenue was required for the ordinary expenses of the State government, was not adapted to the circumstances of a State rapidly increasing in wealth and population, and with a revenue correspondingly increased.

The law of 1841, in many respects a transcript of the law of Ohio, was therefore adopted, and time and experience have proved the wisdom of the change. Under this system, the county auditor became the supervisor of the finances of the county, the clerk and executive officer of the county board—he kept the records of the county—attended to its revenues—prepared the tax lists—settled with the collector—guarded the treasury—superintended the county expenditures—and had the care and management of the various school and trust funds.

His duties were soon found not only to be varied and laborious, but of the most responsible character. They required not only integrity in the man, but skill and capacity in the officer—not only physical powers of endurance, but readiness and accuracy in the discharge of those duties. The services of men were required who were able in any other capacity, to ensure themselves a competence.

Few, indeed, are aware of the amount of labor annually performed by the county auditor. Take a single item—the making out of the duplicate of taxes. In an average county, with a population of ten or twelve thousand, the duplicate extends to not far from one hundred and fifty double pages. In making his entries, he copies from the duplicate of the previous year, from his transfer book, from the sale book, from the assessor's return, and from the record of delinquent taxes. The entries will average forty upon each page, making a total of 6,000 entries or descriptions. The several taxes, State, county, road, school, &c., are estimated and placed in appropriate columns, and added horizontally across the page. These additions are perhaps twenty in number to each page. There are also about forty perpendicular columns of figures to be added on each page, making in all 9,000 columns of figures on the duplicate, to be accurately footed. This service is of the most laborious and fatiguing character, as it is performed in the heat of summer, and the time is necessarily limited by law. For all this service the compensation under existing rates, would be from \$75 to \$100.

The entire annual compensation of the auditor in an average county, under the highest rate of fees allowed, will not exceed \$700; a sum by no means exorbitant when the capacity of the officer, and the nature of the services are considered. Even this sum has been greatly reduced in many of the counties, by unjust and illiberal local legislation. In some instances, the office has been abolished, and the duties added to those of the clerk, and in others the compensation has been fixed at so low a rate, that competent men are only induced to accept the office, in the hope that at an early day, a more liberal spirit will actuate the Legislature.

Under the new Constitution, these complaints will, of course, be redressed, so far as to prevent any discrimination in the amount of fees in the various counties. The compensation of the officer is, therefore, a proper subject of investigation. Instead of making it a salaried office, as in some of these special cases above noticed, his compensation, as is now provided in the general law, should be derived from established fees and perquisites. He will thus be paid for the actual service performed only, and by those for whom the service is performed.

But little change would be necessary in the table of fees, as now allowed in the Revision of 1843. The following list, so far as the items go, is believed to be just and reasonable :

For all records, copies, and other writing, not otherwise provided for, including the tax duplicates, ten cents per hundred words, three figures to be counted as one word.

For oaths and affirmations, twenty-five cents each.

For each county order, six and one-fourth cents.

For each transfer, twelve and a-half cents ; not to exceed one dollar for a single conveyance.

For each tax certificate, twenty-five cents.

For each record of assignment of tax certificate, twenty-five cents.

For each acknowledgment, twenty-five cents.

For each deed, one dollar.

For merchants' licenses, twenty-five cents.

For tavern licenses, one dollar.

For each supervisor's warrant, twenty-five cents.

For each bond taken, twenty-five cents, &c., &c.

For the care of trust funds, the fees now allowed by law.

A discretionary power might also be vested in the county board, to make a limited allowance for extra services, when deemed advisable and proper, inasmuch as many services are performed for which no fee can be prescribed. Having an accurate knowledge of his services and compensation, this discretionary power might be safely confided to their hands.

It may be said with truth, that no officer more faithfully earns every dollar of his compensation than the county auditor ; and no officer is so closely identified with the interests of every individual in the county. While it is not true, in all cases, that the value of a thing is the price it costs, it is yet a fact, verified by experience, that the services of a competent officer cannot be ensured with any degree of certainty, without a fair remuneration for those services. Competent men, such as are required for this station, can command the necessaries of life, and many of its comforts, in almost any avocation, and will not, for the mere empty honors of office, discharge its duties. There are more instances than one where the entire business and fees of the office are farmed out to a deputy, simply because the principal cannot afford to do the business himself.

These considerations, and others that might be adduced, if it were necessary, warrant the deduction, that it is not only a duty, but a matter of justice and public policy, so to arrange the tariff of fees for this office, as to command the services of competent men, and encourage them to a faithful and diligent performance of their respective duties—avoiding extravagance on the one hand, and illiberality on the other.

Respectfully,

E. W. H. ELLIS,  
*Auditor of State.*

On motion by Mr. Donaldson,

The communication was laid on the table, and one hundred copies ordered to be printed for the use of the House.

#### HOUSE BILLS ON SECOND READING.

No. 37. A bill relating to the organization of the Supreme Court, its judges, their terms, jurisdiction, powers and duties, and matters incident thereto.

The clerk proceeded to read the bill; when,

On motion by Mr. Hay,

The House adjourned to meet at two o'clock, P. M.

---

2 o'clock, P. M.

The House met.

At the last adjournment

No. 37. A bill relating to the organization of the Supreme Court, its judges, their terms, jurisdiction, powers and duties, and matters incident thereto;

Was under consideration.

The bill was read a second time.

On motion by Mr. Spencer,

The bill was laid upon the table, and 150 copies ordered to be printed.

On motion by Mr. Stanfield,

Leave of absence was granted the committee on Corporations, for the remainder of the evening.

On motion by Mr. Brady,

Leave of absence was granted the committee on Benevolent and Scientific Institutions, for the remainder of the evening.

No. 38. A bill prescribing rules for making drafts upon the county treasurer, and for the limitation of county expenditure;  
Was read a second time.

On motion by Mr. Stuart,  
The bill was referred to the committee on the Judiciary.

No. 39. A bill to legalise the act of school commissioners, in cases where the tax duplicates have been made out before the taking effect in their counties of the school law of 1849;  
Was read a second time.

On motion by Mr. Stuart,  
The bill was referred to the committee on the Judiciary, with instructions to inquire into the constitutionality of the same.

No. 6. A joint resolution,  
Was read a second time.

Mr. Behm offered the following ammendment:

*"Be it resolved by the General Assembly of the State of Indiana."*

Which was adopted.

The joint resolution as amended was ordered to be engrossed.

#### HOUSE BILLS ON THIRD READING.

No. 6. A bill to provide for the appointment of Commissioners, to revise and simplify the practice and pleadings of courts of Justice and to reduce into a systematic code, the statute law of the State.  
Was read a third time,

The question being shall the the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bulla, Buskirk, Chowning, Cowgill, Crawford, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, English, Geddes, Gibson, Glazebrook, Goudy, Graham, Hanna, Hart, Hays of White, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Lavery, Lawrence, Lindsey of Fayette, Lindsay of Howard, Litchfield, Mayfield, McAllister, McConnell, McDonald, Miller, Mudget, Nelson, Porter, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Spencer, Staton, Stevens, Struble, Stuart, Suit, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Williams, Wilson, Withers and Mr. Speaker—68.

*Those who voted in the negative were,*

Messrs. Carpenter, Cockrum, Cromwell, Gunn, Humphreys, King, Manson, Schoonover, Smith of Spencer, and Wells—10.

So the bill passed.

On motion by Mr. Stuart,

The title of the bill was amended by striking out the latter clause of the same.

Ordered,

That the clerk inform the Senate thereof.

No. 14. A bill for the subscription to and preservation of the public newspapers, printed in the several counties in this State.

Was read a third time,

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Beach, Behm, Carpenter, Cowgill, Dice, Donaldson, English, Gibson, Goudy, Gunn, Hanna, Hays of White, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hudson, King, Laverty, Lindsey of Fayette, Manson, McConnell, McDonald, Nelson, Owen, Porter, Reynolds, Smith of Marion, Spencer, Stevens, Stuart, Suit, Torbet, Walker and Watson—35.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Bryant, Bulla, Chowning, Cockrum, Crawford, Dobson, Donham, Douthit, Eccles, Foster, Glazebrook, Graham, Hart, Henry, Hostetter, Huey, Huffstetter, Humphreys, Lawrence, Lindsay of Howard, Litchfield, Mayfield, McAllister, Miller, Mudgett, Ray, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Struble, Sweet, Taggart, Thompson, Wells, Williams, Wilson, Withers and Mr. Speaker—42.

Mr. Hudson by unanimous consent recorded his vote.

So the bill did not pass.

The Speaker laid before the House the following communication from the Treasurer of State:

OFFICE OF TREASURER OF STATE, }  
 INDIANAPOLIS, Dec. 17, 1851. }

HON. JOHN W. DAVIS,  
*Speaker of the House of Representatives:*

SIR—In reply to a resolution requesting me to report to the House whether I have in my office any account or evidence of there being such a county as Lake in the State of Indiana, and if so, whether there are any swamp lands selected therein, and how many acres, I have the honor to state that I have in my possession abundant evidence of the existence of the said county of Lake; that it is bounded on the north by lake Michigan, east by Porter, south by Jasper, and west by the State of Illinois; that it is a highly productive and rapidly advancing commonwealth; that said county is remarkable for the proximity of the Kankakee, and the immense facilities for grazing cattle. For further particulars, I would most respectfully refer to the honorable gentleman who so ably and faithfully represents Lake in the lower branch of the Legislature.

I have every reason to believe that Lake contains a large amount of swamp lands, though no report in reference to such lands has been received at this office.

I have the honor to be,  
 Very respectfully,  
 Your obedient servant,  
 J. P. DRAKE,  
 Treasurer.

Which,  
 On motion,  
 Was laid on the table.  
 On motion by Mr. Behm,

No. 13. A bill to authorize the Grand Lodge of Free Masons of the State of Indiana to erect and maintain a monument on the battle-ground of Tippecanoe, and the engrossed amendments of the Senate thereto;

Were taken from the table.

On motion,  
 The bill and amendments were referred to the committee on the Judiciary.

By unanimous consent of the House,



Mr. Torbet offered the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the constitutionality of the latter part of the 2d specification of section 32 of the personal property assessment and valuation law. Also, of the 4th and 11th specifications of the same section. Which was adopted.

On motion by Mr. Smith of Spencer,

No. 22. A bill to authorize clerks of the circuit courts to take acknowledgment of deeds in certain cases ;  
Was taken from the table.

The bill was subsequently laid upon the table.

On motion by Mr. Gibson,  
The House adjourned to meet to-morrow morning at nine o'clock.

FRIDAY MORNING, 9 o'clock, }  
December 19th, 1851. }

The House met.

The journal of the preceding day was read.

The Speaker laid before the House the following communication:

INDIANA INSTITUTE FOR THE EDUCATION OF THE BLIND, }  
INDIANAPOLIS, Dec. 19th, 1851. }

*Speaker of the House of Representatives:*

SIR:—I beg leave to announce that, in compliance with a resolution of your House, adopted on the 8th inst., there will be an exhi

bition of the progress of the pupils of our Institute at the Masonic Hall this (Friday) evening, commencing at 7 o'clock precisely.

Tickets will be furnished to the members of the General Assembly for the admittance of themselves and their friends.

Respectfully,

W. H. CHURCHMAN, *Supt.*

The Speaker laid before the House the following communication, from the Governor:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bill:

No. 2. An act to authorize the board of county commissioners to take and approve the official bonds of sheriffs, coroners, county recorders, and clerks of the circuit court.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Bulla:

The temperance memorial of the citizens of this State;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Buskirk:

A communication from H. T. N. Benedict, suggesting some amendments to the common school law;

Which,

On motion,

Was referred to the committee on Education.

By Mr. Goudy:

The temperance memorial of sundry citizens of this State;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Hanna:

A temperance memorial of sundry ladies and gentlemen of this State;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Buskirk :

A communication from J. Rader, relative to repealing the 37th section of 35th chapter, R. S. of 1843 ;

Which,

On motion,

Was referred to the committee on the Judiciary.

By Mr. Beane :

The petition of sundry citizens of this State, relative to establishing township libraries ;

Which,

On motion,

Was referred to the committee on Education.

#### REPORTS FROM COMMITTEES.

Mr. Huffstetter, chairman of the committee on Roads, made the following report :

**MR. SPEAKER:**

The committee on Roads have been instructed by a resolution of the House to inquire particularly into the condition of the three per cent. fund. The committee have given the matter their serious consideration and have been unable to learn any important facts relative thereto, in addition to the particulars given in the Auditor's report, to which the House is respectfully referred, pages 37, 38. The committee ask to be discharged from a further consideration of the subject.

Which was concurred in.

Mr. Huffstetter, from the committee on Public Buildings, made the following report :

**MR. SPEAKER:**

The committee on Public Buildings to whom was referred a resolution of the House, instructing them to inquire into the expediency of purchasing new stoves for the House &c., have had the same under consideration, and find upon examination of the stoves now in use that they are cracked and much worn from long use and somewhat endanger the safety of the State House, the committee have therefore instructed me to report the accompanying bill and recommend its passage.

No. 41. A bill authorizing the State Librarian to purchase

stoves for the Hall of the House of Representatives, and to dispose of the old ones on hand.

Which was read a first time and passed to a second reading.

Mr. Spencer from a joint select committee made the following report:

**MR. SPEAKER:**

The joint committee to which was referred a resolution in relation to the best mode to be pursued in revising the laws of this State, have had the same under consideration, and have directed me to report that in the opinion of said committee, the best mode to be adopted in prosecuting such revision, is to distribute to the appropriate committees having charge of the subjects to which the revised code of 1843 and all other statute laws now in force in this State respectively relate, and that said committees revise, alter, change and amend as in the judgment of such committees may seem proper, and report accordingly, which said reports when so made shall follow the usual course of legislation.

Which was concurred in.

#### RESOLUTIONS OF THE HOUSE.

On motion by Mr. Brady,

*Resolved*, That the standing committee on Banks be directed to collate all laws defining the powers and duties of the several boards doing county business in this State, making such amendments thereto as they may deem necessary—and particularly to inquire into the expediency of conferring upon said board the power of amending under certain regulations, municipal and private corporate charters, altering and vacating State roads and such other business of a local character as cannot be done by the Legislature under the New Constitution.

On motion by Mr. Ray,

*Resolved*, That the committee on Military Affairs be requested to inquire into the expediency of revising and amending the Militia law and report by bill or otherwise.

On motion by Mr. Behm,

*Resolved*, That the committee on Ways and Means be instructed to introduce a bill providing for the permanent enclosure and preservation of the Tippecanoe battle ground; and also for raising means to erect a suitable monument on said battle ground, in memory of the battle and the soldiers who fell in that battle.

Mr. McAllister offered the following resolution :

*Resolved*, That the Judiciary committee be instructed to report a bill amending the 5th article of the 12th chapter of the revised statutes of 1843, so as to make it the imperative duty of the county treasurer, in making sale of property for delinquent taxes, to sell the personal property of said delinquent, (if there is any found,) before making sale of the real estate charged with said taxes.

On motion by Mr. Buskirk,

The reference of the resolution was changed to the committee on Ways and Means.

The resolution was then adopted.

On motion by Mr. Bulla,

*Resolved*, That the committee on Benevolent and Scientific Institutions be and they are hereby instructed to inquire into the propriety of passing a law authorizing the Superintendents of county asylums to bind out paupers of sound mind—males until the age of 21, and females until 18 years of age, who may be placed under their care subject *always* to their approval or rejection of the board doing county business, and report by bill or otherwise.

On motion by Mr. Withers,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of converting the fund arising from the sixteenth section of land donated for the use of schools into one general and common fund.

On motion by Mr. Owen,

*Resolved*, That the use of this Hall, on Friday evening the 26th inst. at 7 o'clock, be tendered to Professor Read of the State University, to deliver an address on the best means of promoting common school education.

Mr. Smith of Spencer offered the following resolution:

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of so changing the per centum of treasurers of county for the collection of the revenues, that their per centum on the first thousand dollars shall be three per centum, on all sums over one thousand dollars and under three thousand shall be entitled to five per centum, on all sums over three thousand and under six thousand dollars shall be entitled to six per centum, on all sums over six thousand, eight per centum.

Mr. Brady moved to amend the resolution "by allowing county treasurers mileage" in the collection of outstanding taxes;

Which was accepted.

The resolution was not adopted.

On motion by Mr. Kent,

*Resolved*, That the committee on the Rights and Privileges of the Inhabitants of the State inquire into the expediency of enacting a law allowing individuals loaning money the same rate of interest that is now allowed by law to banks and other incorporated companies.

On motion by Mr. Carpenter,

*Resolved*, That the committee of Ways and Means be instructed to inquire into the expediency of providing by a general law, for the compensation of county auditors and treasurers, at fixed salaries, graduated in just proportion to the wealth of the several counties and the amount of service to be performed by such auditors and treasurers respectively, but limited in amount by a certain maximum and minimum; and also, of limiting the fees of auditors for transfers on conveyances of real estate, and report by bill or otherwise.

On motion by Mr. Hanna,

*Resolved*, That the committee on Temperance be, and they are hereby directed to inquire whether the use of spiritous liquors in mixing or preparing medicines cannot, on scientific principles, be dispensed with.

On motion by Mr. English,

*Resolved*, That the committee on ways and means be instructed to report a bill providing that all property, both real and personal,

shall be assessed in the county where it is situated, and making the system of assessment and taxation equal and uniform in all cases, so as to secure a just valuation for taxation of *all* property, (as well for county as State purposes) excepting such only for municipal, educational, literary and scientific, religious or charitable purposes, as are already exempted by law.

By unanimous consent of the House,

Mr. McDonald introduced No. 7, a joint resolution ;

Which was read a first time and passed to a second reading.

Mr. Owen, in pursuance of previous notice, offered the following resolution :

*Resolved*, The Senate concurring, that the committees on Education of the Senate and of the House constitute a joint committee on Education, to whom the preparation of a revised school law shall be entrusted. ×

Which was adopted.

Ordered,

That the clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Holladay of Parke offered the following resolution :

*Resolved*, That the committee on education be requested to inquire into the expediency of arranging in proper form, for the use of common schools, and to be deposited in the library of every school district to be used as a class reading book, the articles of confederation of the original thirteen States, the constitution of the United States, the constitution of the State of Indiana, and a compendium of the statute laws of Indiana, as they shall have been revised by the present Legislature.

On motion by Mr. McDonald,

The resolution was amended by adding General Washington's farewell address.

On motion by Mr. Donaldson,

The resolution was amended by adding the Declaration of Independence.

On motion by Mr. Morrison,

The resolution was further amended by adding General Jackson's farewell address.

The resolution as amended was then adopted.

By unanimous consent of the House,

Mr. Donaldson introduced bill

No. 42. A bill authorizing railroad companies to borrow money and to secure the re-payment thereof by mortgage;

Which was read a first time and passed to a second reading.

By unanimous consent of the House,  
Mr. Sumner introduced

No. 43. A bill for the further relief of the poor.

Which was read a first time and passed to a second reading.

By unanimous consent of the House,  
Mr. Buskirk introduced

No. 44. A bill to extend the time of final payment for University lands, and to exempt purchasers of such lands from forfeiture of the same in certain cases.

Which was read a first time and passed to a second reading.

The Speaker laid before the House the following communication and accompanying report from the Auditor of State:

OFFICE OF AUDITOR OF STATE }  
INDIANAPOLIS, December 19, 1851. }

HON. JNO. W. DAVIS,

*Speaker of the House of Representatives:*

SIR:—In compliance with the following resolution, to-wit:

*Resolved*, That the Auditor of State be, and is hereby instructed to report to this House at as early a period as possible the particular items of expense denominated incidental, under the head of expense of agency, in report of 1851,

I have the honor to submit the statement which follows, to-wit:



*Expense of Agency from Aug. 5, 1850 to Oct. 31, 1851, inclusive.*

<i>Date.</i>	<i>No. of Warrant.</i>	<i>To whom paid.</i>	<i>On what account paid.</i>	<i>Amount.</i>
August 5, 1850, to December 1, 1850,	5985	Postmaster. N. Y..... Bell & Gould.....	Postage..... Stationery.....	\$43 27 38 80
December 1, 1850, to March 1, 1851,	6397	W. W. Rose..... Adams & Co. .... Bell & Gould..... E. W. H. Ellis. .... Postmaster..... Postmaster.....	Printing Bonds..... Express..... Stationery..... Auditor's allowance..... Box rent..... Postage.....	54 37 4 50 4 75 200 00 2 00 47 12
March 1, 1851, to June 1, 1851,	6397	George H. Bell..... Adams & Co..... W. Sheets & Co..... Ellis & Spann..... Postmaster.....	Stationery..... Express..... Binding certificates..... Printing same..... Postage.....	10 26 4 00 18 00 40 00 30 50
June 1, 1851, to September 1, 1851.		Allen May..... Bell & Gould..... Postmaster..... Postmaster..... Geo. H. Bell.....	Office rent..... Safe..... Postage..... Box rent..... Stationery.....	250 00 210 00 26 65 2 00 10 07
September 1, 1851, to October 31, 1851,	6499	E. W. H. Ellis..... E. W. H. Ellis..... Geo. H. Bell..... Postmaster..... Postmaster..... Allen May.....	Numb'g and signing 4,500 Bonds Boxing and drayage..... Stationery..... Postage on newspapers..... Postage..... Office rent.....	45 00 2 00 5 68 1 65 18 00 166 67
			Total.....	\$1,235 29

E. W. H. ELLIS,  
*Auditor of State.*

Which,

On motion,

Was laid on the table, and ordered to be printed.

Mr. Torbet presented to the House a communication from Thomas Hargitt relative to the 15th chapter of the Revised Statutes on the subject of district schools, &c.; which,

On motion,

Was referred to the committee on Education.

#### ORDERS OF THE DAY.

#### *House Bills on Second Reading.*

No. 40. A bill to regulate the vending of wooden, brass or composition clocks in the several counties in this State ;

Was read a second time.

Mr. Lindsey moved to refer the bill to the committee on the Judiciary.

On motion by Mr. Owen,

The bill was referred to the committee on the Judiciary, with instructions to provide a general law regulating license to pedlers.

#### SENATE BILLS ON SECOND READING.

No. 11. A bill for the government of the Indiana Hospital for the Insane, and the cure of the insane in Indiana ;

Was read a second time.

On motion by Mr. Lewis,

The bill was referred to the committee on Benevolent and Scientific Institutions.

No. 22. A joint resolution relative to granting public lands to settlers ;

Was read a second time, and ordered to a third reading.

#### HOUSE BILLS ON THIRD READING.

No. 36. A bill to authorise the Governor of this State to engage the services of a clerk to examine the maps and lists of the swamp lands granted by the General Government to this State ;

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Glazebrook, Gookins, Goudy, Gunn, Harrison, Hart, Hay of Clark, Hays of White, Henry, Holliday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverly, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—83.

*Those who voted in the negative were,*

Messrs. Bulla, Davis, Graham, Hanna, Helmer Hicks, Holliday of Parke, Lawrence and Thompson—9.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 5. A joint resolution in relation to mistakes in the purchase of lands in the Vincennes Land District;

Was read a third time.

On motion by Mr. Nelson,

The joint resolution was committed to a select committee with instructions to make its provisions general.

Messrs. Humphreys, Nelson and Graham were appointed said committee.

No. 6. A bill to provide for the appointment of commissioners to revise and simplify the practice and pleadings of courts of justice, and to revise into a systematic code the statute law of the State;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Harrison, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McConnell, McDowell, McDonald, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stevens, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—94.

No person voting in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

By unanimous consent of the House, Mr. Reynolds offered the following resolution:

*Resolved*, That the committee on Education be instructed to inquire into the expediency of adopting a uniform plan for building common school houses in the several school districts in this State, so they may be both convenient and comfortable, and that they report a bill, levying a tax upon each tax-payer in the several said districts sufficient to build such school house.

Mr. Gookins moved to amend the resolution, by adding in the proper place if they deem it expedient.

Which motion prevailed.

The resolution was then adopted.

#### SENATE BILLS ON THIRD READING.

No. 20. A bill giving to Assessors longer time to fill their official bonds and take the oath.

Was read a third time;

The question being, shall the bill pass?

*Those voting in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Harrison, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—96.

No person voting in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. English moved to reconsider the vote taken on the resolution on yesterday, dispensing with the Sergeant-at-Arms after Monday next.

Mr. Mudget moved to lay the motion to reconsider on the table.

The ayes and noes were demanded by Messrs. Manson and King.

*Those who voted in the affirmative were,*

Messrs. Behm, Bulla, Chowning, Cockrum, Cowgill, Cromwell, Davis, Doughty, Douthit, Geddes, Glazebrook, Gookins, Goudy,

Graham, Gunn, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Humphreys, Hunt, King, Lawrence, Linsday of Howard, Major, Mayfield, McDonald, Mudget, Ray, Reynolds, Scudder, Shanklin, Smith of Spencer, Staton, Stevens, Sumner, Thompson, Torbet, Walker, Watson, Wells, Wilson and Withers—46.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Bryant, Buskirk, Crawford, Dice, Dobson, Donaldson, Donham, Eccles, English, Foster, Gibson, Hanna, Hart, Hays of White, Henry, Huey, Huffstetter, Kent, Laverty, Leviston, Lewis, Lindsey of Fayette, Litchfield, Manson, McConnell, McDowell, Miller, Morris, Nelson, Owen, Porter, Schoonover, Smith of Marion, Spencer, Stanfield, Stover, Struble, Stuart, Suit, Sweet, Taggart, Williams and Mr. Speaker—47.

So the motion to reconsider was not laid on the table.

Mr. Carpenter moved that the House adjourn ;

Which motion did not prevail.

Mr. Gookins moved that the House adjourn ;

Which motion did not prevail.

Mr. Glazebrook called the previous question ;

Which was seconded by the House.

The question being, shall the main question be now put ?

It was decided in the affirmative.

The main question being on reconsidering the vote on the adoption of the resolution,

The ayes and noes were demanded by Messrs. English and Douthit.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beeson, Brady, Buskirk, Crawford, Dice, Dobson, Donaldson, Donham, English, Gibson, Hanna, Harrison, Henry, Huey, Huffstetter, Kent, Laverty, Leviston, Lindsey of Fayette, Manson, McConnell, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Schoonover, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stover, Struble, Stuart, Taggart, and Mr. Speaker—40.

*Those who voted in the negative were,*

Messrs. Beane, Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis, Doughty, Douthit, Foster, Geddes, Glazebrook, Gookins, Goudy, Graham, Gunn, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Humphreys, Hunt, King, Lawrence,

Lewis, Lindsay of Howard, Litchfield, Major, Mayfield, McDonald, Mudget, Reynolds, Scudder, Shanklin, Staton, Stevens, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson and Withers—55.

So the vote was not reconsidered.

Mr. Gibson moved to suspend the rule, and permit Mr. Manson to offer a resolution.

Which motion did not prevail.

On motion by Mr. Douthit,  
The House adjourned until 2 o'clock, P. M.

---

2 o'clock, P. M.

The House met.

By the unanimous consent of the House,  
Mr. English offered the following resolution :

*Resolved*, That the action of this House in dispensing with the services of a Sergeant-at-Arms was induced by a belief that the office was not necessary, and not from any dissatisfaction with the manner Washington Holloway, the late incumbent, discharged the duties of that station.

Which was adopted.

Mr. Gibson moved to reconsider the vote on the adoption of the resolution allowing the Doorkeeper to appoint a sufficient number of assistants.

Which motion prevailed.

On motion by Mr. Gibson,  
The resolution was laid on the table.  
By unanimous consent of the House,  
Mr. Manson offered the following resolution :

*Resolved*, That from and after Monday next, this House will dispense with the services of Mr. Johnson, Mr. Storms and Mr. Stukey, three of the assistants under the Doorkeeper, and that said Doorkeeper shall not appoint any one to fill the places thus made vacant.

Mr. Donaldson moved that the resolution be indefinitely postponed.

Which motion did not prevail.

On motion by Mr. Mudget,

The resolution was laid on the table.

On motion by Mr. Struble,

Bill No. 27. A bill for the more uniform mode of doing township business ;

Was taken from the table, and referred to the committee on the Judiciary.

Mr. Smith of Marion, under the rule, gave notice of a motion for leave to introduce a bill to provide for making out and printing a catalogue of the books in the State Library.

On motion by Mr. Humphreys,

Leave of absence was granted Mr. Crim, on account of sickness.

Mr. Brady moved that the House adjourn.

Which motion did not prevail.

On motion,

The order of business was suspended, and

Mr. Buskirk offered the following resolution :

*Resolved*, That the committee on Ways and Means be instructed to report a bill providing for the election of county assessors.

Mr. Nelson moved to amend the resolution by striking out "county" and inserting township.

On motion by Mr. Carpenter,

The amendment was laid on the table.

Mr. Beach offered the following amendment :

"That the assessor shall value the real estate."

Which was accepted.

The question being on the adoption of the resolution,

Mr. Shanklin moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Shanklin and Thompson.

*Those who voted in the affirmative were,*

Messrs. Beeson, Behm, Chowning, Cowgill, Crawford, Davis, Dice, Dobson, Donham, Eccles, Glazebrook, Gookins, Graham, Gunn, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holliday of Parke, Holliday of Blackford, Holman, Hudson, Huey, Kent, Lawrence, Leviston, Lindsay of Howard, Litchfield, Mayfield, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Porter, Reynolds, Schoonover, Shanklin, Spencer, Sweet, Torbet, Wells, Wilson, Withers, and Mr. Speaker—47.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Brady, Bryant, Bulla, Baskirk, Carpenter, Cockrum, Cromwell, Donaldson, Doughty, Douthit, English, Foster, Geddes, Gibson, Goudy, Hanna, Helmer, Hostetter, Huffstetter, Humphreys, Hunt, Laverty, Lindsey of Fayette, Major, Manson, McDonald, Owen, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Stuart, Suit, Sumner, Taggart, Thompson, Walker, Watson, and Williams—45.

So the resolution was laid on the table.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the resolution of the House, constituting a joint committee on Education.

By unanimous consent, Mr. Wells offered the following resolution:

*Resolved*, That the committee on Ways and Means be instructed to report a bill providing for township assessors for the assessment of personal property.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Gibson and Smith of Marion.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Behm, Bulla, Chowning, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donham, Eccles, Geddes, Glazebrook, Gookins, Graham, Gunn, Hart, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Humphreys, Kent, Laverty, Lawrence, Leviston, Lindsay of Howard, Litchfield, Major, Manson, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Porter, Reynolds, Schoonover, Shanklin, Smith of Spencer, Spencer, Stanfield, Struble, Sumner, Sweet, Torbet, Wells, Williams, Wilson, Withers, and Mr. Speaker—59.



*Those who voted in the negative were,*

Messrs. Barker, Beeson, Brady, Bryant, Buskirk, Carpenter, Cockrum, Donaldson, Doughty, Douthit, English, Foster, Gibson, Goudy, Hanna, Hay of Clark, Helmer, Huffstetter, Hunt, Lindsey of Fayette, Mayfield, Owen, Scudder, Smith of Marion, Staton, Stevens, Stover, Stuart, Suit, Taggart, Thompson, Walker, and Watson—33.

So the resolution was adopted.

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof :

No. 27. An act for the relief of persons who are likely to suffer by the destruction of the records and other writings of Clay county, and to provide for furnishing said county with tract books, lists of canal lands, general and local laws, and decisions of the Supreme Court, and to provide for the collection and disbursement of revenue, and to authorize the board of county commissioners of said county to meet.

In which the concurrence of the House is respectfully requested.

The bill contained in the foregoing message was read a first time and ordered to a second reading.

By unanimous consent of the House, Mr. Humphreys offered the following resolution :

*Resolved*, That Washington Holloway be appointed assistant Door-Keeper to this House, from and after Tuesday next, and that he perform the duties of Sergeant-at-Arms, if services of that kind should become necessary; and further, that the principal Door-Keeper be authorized to retain the services of the assistants heretofore appointed.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Humphreys and Suit.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beeson, Brady, Bryant, Buskirk, Chowning, Crawford, Dice, Dobson, Donham, Eccles, English, Gibson,

Hart, Henry, Huffstetter, Humphreys, Kent, Lavery, Leviston, Lewis, Lindsey of Fayette, Litchfield, Manson, McConnell, McDowell, Miller, Nelson, Owen, Porter, Schoonover, Smith of Marion, Spencer, Stover, Stuart, Struble, Taggart, and Mr. Speaker—39.

*Those who voted in the negative were,*

Messrs. Beane, Behm, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis, Doughty, Douthit, Geddes, Glazebrook, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Hudson, Hunt, Lawrence, Lindsay of Howard, Major, Mayfield, McDonald, Mudget, Reynolds, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Suit, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson and Withers—46.

So the resolution was not adopted.

By unanimous consent of the House,

Mr. Cockrum was permitted to record his vote.

By unanimous consent of the House,

Mr. Davis of Franklin offered the following resolution:

*Resolved*, That the clerk furnish the House with a list of all the clerks, doorkeepers and other employees of the House, and the pay each one receives.

On motion by Mr. Beeson,

The resolution was laid on the table.

Mr. McDonald asked the unanimous consent to introduce a resolution;

Which was not granted.

On motion by Mr. Gookins,

Bill No. 30, to provide for the selection of grand jurors, and limiting their jurisdiction,

Was taken from the table and referred to the committee on the Judiciary.

On motion by Mr. Stuart,

No. 21. A bill to limit the number of grand jurors, and to point out the mode of their selection, and repealing all laws inconsistent with this act,

Was taken from the table and referred to the committee on the Judiciary.

On motion by Mr. Holman,

Bill No. 17. A bill to provide for the appointment of a Reporter, and of the speedy publication of the decisions of the Supreme Court,

Was taken from the table and placed upon the files of the House.

Mr. Suit, chairman of the committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined bill of the House No. 36, and joint resolutions 5 and 6, and find the same correctly engrossed.

On motion by Mr. Shanklin,  
The House adjourned until to-morrow morning, 9 o'clock.

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SATURDAY MORNING, 9 o'clock, }  
December 20th, 1851. }

The House met.

The journal of the preceeding day was read.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Thompson,  
The petition of James R. Turner, praying the Legislature to legalize his name,

Which,

On motion,

Was referred to the committee on the Judiciary.

By Mr. Lindsey,

The petition of the citizens of West Union, relating to their corporation and the working of roads.

Which,

On motion,

Was referred to the committee on roads.

## REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred the petition of James Blalock and Rhoda Emeline Blalock, with instructions to enquire into the expediency of enacting a general law, authorizing females over the age of 18 years to convey real estate, have had the same under consideration and instructed me to report that in their opinion the passage of a special law as prayed for in said petition would be unconstitutional, and that it would be inexpedient to enact a general law on the subject, said committee therefore ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Bryant from the committee on the Rights and Privileges of the inhabitants of the State, made the following report:

**MR. SPEAKER:**

The committee on the Rights and Privileges of the inhabitants of the State, to which was referred so much of the Governor's Message as relates to Negroes and Mulattoes, has had the same under consideration, and directed me to report the accompanying bill, and ask to be discharged from the further consideration of the subject.

No. 45. A bill to prohibit Negroes and Mulattoes from coming into the State of Indiana, and for the registering of such as are entitled to reside therein, and to prevent contracts with Negroes and Mulattoes not entitled to such residence.

Which was read a first time and passed to a second reading.

Mr. Humphreys from a select committee made the following report:

**MR. SPEAKER:**

The select committee to which was referred Joint resolution of the House, No. 5, in relation to correcting mistakes in the sales of Lands, have had the same under consideration, and said committee have directed me to report the same back with one amendment, upon the adoption of which they recommend its passage.

Amend by striking out "Vincennes Land District" whenever the same may occur and insert "State of Indiana."

The report was concurred in, and the bill ordered to be engrossed.

## RESOLUTIONS OF THE HOUSE.

On motion by Mr. Leviston,

*Resolved*, That the committee on the Judiciary be instructed to enquire into the expediency of repealing or modifying the 3d article of chapter 31 of the revised code, regulating the interest on money, with leave to report by bill or otherwise.

On motion by Mr. Behm,

*Resolved*, That the Judiciary committee be instructed to enquire into the expediency of changing the law relative to the recording of deeds so that the record shall be computed from the time the deed or other instrument is left with the auditor for transfer.

On motion by Mr. Doughty,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of distributing the school funds in the same districts in which said funds are collected.

On motion by Mr. Brady,

*Resolved*, That the standing committee on the Judiciary be directed to inquire into the expediency of enlarging the duties and jurisdiction of Justices of the Peace, in civil cases, to \$200 in all liquidated accounts or notes, giving the circuit courts concurrent jurisdiction only in unsettled cases, between \$100 and \$200, and in criminal cases complete jurisdiction over all cases below felony, subject however, to an appeal to circuit courts.

Mr. Thompson offered the following resolution :

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of granting to the circuit court, the right to change the names of persons, and to report by bill or otherwise.

Mr. Behm moved to amend the resolution by changing its reference to the committee on the Organization of Courts of Justice;  
Which motion prevailed.

The resolution as amended was then adopted.

Mr. Smith of Marion offered the following resolution :

*Resolved*, That the committee on Public Buildings inquire into the expediency of enclosing the State House square with a wrought iron fence.

Which was not adopted.

On motion by Mr. Smith of Spencer,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of so amending the revenue law, that no real estate shall be sold for tax while the resident tax-payer has personal property.

By unanimous consent of the House, Mr. McDonald presented, The petition of sundry citizens of Lake county, praying the passage of a law to prohibit the running at large of sheep, hogs, and stock cattle under one year old ;

Which,

On motion,

Was referred to the committee on Agriculture.

Mr. Spencer offered the following resolution :

*Resolved*, That the committee on Ways and Means be instructed to report to this House a bill for the more just and equal annual assessment of the real and personal property of the State by township assessors, such assessment to be made by furnishing blanks, in the manner now prescribed by law, and for permitting the party assessed to deduct from the value of his property his indebtedness within this State, and also to provide therein for constituting the township assessors in each county a board of equalization for such county, and further, to provide in such bill for a State board of equalization, to be composed of the Governor, Auditor, Treasurer and Secretary of State.

Mr. Brady moved to amend the resolution by striking out "Governor."

Which was accepted.

Mr. English offered the following amendment to the resolution :

After the word law, insert :

And all property both real and personal shall be assessed, in the county in which it is situated.

Mr. Kent moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Kent and Gookins.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Davis, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Gunn, Hanna, Harrison, Hay of Clark, Hays of White, Helmer, Henry, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Leviston, Lewis, Lindsay of Howard, Litchfield, Mayfield, McConnell, Mudget, Nelson, Porter, Ray, Schoonover, Scudder, Shanklin, Smith of Marion, Staton, Stevens, Stover, Struble, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Wilson and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Behm, Beeson, Brady, Bulla, Crawford, Cromwell, Dobson, English, Graham, Hart, Hicks, Holliday of Blackford, Holman, Hostetter, Lawrence, Lindsey of Fayette, Major, McDonald, McDowell, Miller, Morris, Reynolds, Smith of Spencer, Spencer, Stanfield, Stuart, Suit, Sumner, Williams and Withers—30.

So the resolution was laid on the table.

Mr. King, by unanimous consent of the House, was permitted to record his vote.

A message from the Senate by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that they have passed the following resolution to-wit :

*Resolved*, That the joint committee on the phraseology and arrangement of bills be reorganised, so that not more than three members on the part of the Senate constitute said committee, and that the House be respectfully requested to concur in this resolution, and take such action thereon as will reduce said committee to seven members instead of sixteen, as it is now composed ;

In which the concurrence of the House is respectfully requested.

On motion by Mr. Miller,

The above resolution of the Senate was reciprocated by the House.

Messrs. Miller, Bryant, Owen, and Crim were appointed said committee on the part of the House.

Ordered,  
That the clerk inform the Senate thereof.  
A message from the Senate by Mr. Dunn, their secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that they have passed the following engrossed bill of the House without amendment, to-wit :

Bill No. 25, entitled a bill to provide for publishing the acts and joint resolutions of the General Assembly.

A message from the Senate by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that they have passed the following engrossed House bill, to-wit :

No. 33. Entitled an act to abolish the Tippecanoe and Marion courts of common pleas, provide for the trial of causes pending therein, and to regulate all proceedings in reference to the records, judgments, orders and decrees thereof,

With the following engrossed amendments of the Senate, in which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate to the bill contained in the foregoing message were concurred in.

A message from the Senate by Mr. Dunn, their secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that they have passed the following engrossed bill thereof, to-wit :

Senate bill No. 30. Entitled an act prescribing the time of holding the circuit courts in the second judicial circuit, fixing the length of the respective terms in the same, and conforming the business of said courts to the changes herein made.

In which the concurrence of the House is respectfully requested.

The bill contained in the foregoing message was read a first time, and passed to a second reading.



On motion by Mr. Stuart,

The vote on concurring in the amendments of the Senate to bill No. 33, to abolish the Tippecanoe and Marion courts of common pleas, provide for the trial of causes pending therein, and to regulate all proceedings in reference to the records, judgments, orders and decrees thereof,

Was reconsidered.

On motion,

The bill was referred to the committee on the Judiciary.

On motion by Mr. Gookins,

The vote refusing to order the engrossment of bill

No. 23. A bill to compute interest annually upon notes or other obligations made payable to executors, administrators and guardians  
Was reconsidered.

On motion by Mr. Doughty,

The bill was referred to a select committee consisting of Messrs. Doughty, Gookins and English.

Mr. Gookins was excused from acting on the select committee, to whom was referred the above bill, and

Mr. Stuart was appointed in his place.

Mr. Beeson offered the following resolution :

*Resolved*, That we pay the Doorkeeper, from Monday next, fifteen dollars per diem to discharge the duties of Doorkeeper and Sergeant-at-Arms, and he may select as many assistants as he may need, and he shall pay said assistants out of his own wages.

Mr. McDonald moved to indefinitely postpone the resolution.

Mr. McDonald called the previous question ;

Which was not seconded by the House.

After further debate,

Mr. Kent called the previous question ;

Which was not seconded, no quorum voting.

On motion by Mr. Williams,

A call of the House was ordered.

The clerk commenced the call ; when,

On motion,

The further call of the House was suspended.

The question recurred on seconding the call of the previous question by Mr. Kent.

Which was not seconded by the House.

The question then recurred on the indefinite postponement of the resolution.

The ayes and noes were demanded by Messrs. Gibson and Sumner.

*Those who voted in the affirmative were,*

Messrs. Barker, Buskirk, Chowning, Crawford, Cromwell, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Glazebrook, Gookins, Goudy, Graham, Harrison, Hart, Hay of Clark, Hays of White, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Lewis, Lindsay of Howard, McDonald, Morris, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Spencer, Thompson, Torbet, Watson, Wells, Williams, Wilson, and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Davis, Dice, Doughty, English, Gibson, Gunn, Hanna, Helmer, Henry, Hicks, Holliday of Blackford, King, Leviston, Lindsey of Fayette, Litchfield, Major, Manson, Mayfield, McConnell, McDowell, Miller, Mudget, Nelson, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Walker, and Withers—46.

So the resolution was indefinitely postponed.

By unanimous consent of the House,

Messrs. Humphreys and McDonald were permitted to record their votes.

Mr. Holman, in pursuance of previous notice, introduced bill

No. 46. A bill to provide for the subscription by the State Librarian for one copy annually of each of the public weekly newspapers published in this State, and for the binding thereof.

Which was read a first time and passed to a second reading.

Mr. Smith of Marion, in pursuance of previous notice, introduced

No. 47. A bill to provide for making out and printing a catalogue of the books in the State Library ;

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 41. A bill authorising the State Librarian to purchase stoves for the Hall of the House of Representatives, and to dispose of the old ones now on hand ;

Was read a second time.

On motion by Mr. Holman,  
The bill was laid on the table.

No. 42. A bill authorizing Railroad companies to borrow money, and to secure the re-payment of the same by mortgage.

Was read a second time,  
And ordered to be engrossed.

No. 43. A bill for the further relief of the poor.

Was read a second time,  
On motion by Mr. Hudson,  
The bill was referred to the committee on the Judiciary.

No. 44. A bill to extend the time of final payment for university lands and to exempt purchasers of such lands from forfeitures of the same in certain cases.

Was read a second time.

On motion by Mr. Hudson,  
The bill was referred to a select committee of three.  
Messrs. Buskirk, Hudson and Davis, were appointed said committee.

No. 7. A Joint resolution.  
Was read a second time.

On motion by Mr. Smith of Marion,  
The Joint resolution was referred to the committee on Swamp Lands.

#### SENATE BILLS ON SECOND READING.

No. 27. A bill for the relief of persons who are likely to suffer from the destruction of the records and other writings of Clay County, and to provide for furnishing said county with tract books, lists of canal lands, general and local laws and decisions of the supreme court, and to provide for the collection and disbursement of revenue and to authorize the board of commissioners of said county to meet.

Was read a second time,  
Mr. Behm moved to refer the bill to the committee on the Judiciary.

Mr. Suit moved to amend the motion to refer as follows:

Refer to the committee on the Judiciary with instructions to enquire into the constitutionality of the bill, and the expediency of making the provisions of the bill general.

Mr. Cromwell offered the following amendment to the amendment.

Amendment to the instructions:

Amend the sixteenth section by adding the words:

*Provided*, The said board shall not contract for re-building the court house nor the erection of any county buildings, until after the first Monday of April, 1852.

Which was adopted.

The question recurred on the proposition of Mr. Suit, as amended;

And the question being put,

It was decided in the affirmative.

The question recurred on committing the bill to the committee on the Judiciary, with the instructions.

It was decided in the affirmative.

So the bill was referred.

Mr. McDonald moved that the House adjourn,

When,

Mr. Stuart moved that the House adjourn until Monday morning, 9 o'clock.

Which motion prevailed.

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MONDAY MORNING,  
Decembor 22, 1851.

}

The House met.

The journal of the preceding day was read.

On motion by Mr. Leviston,

Leave of absence was granted Mr. Lindsey of Fayette.

On motion by Mr. Hanna,

Leave of absence was granted Mr. Morris.

## PETITIONS, MEMORIALS &amp;C. PRESENTED.

The Speaker laid before the House the following communication and temperance memorial from the clerk of the House of Representatives :

HALL OF THE HOUSE OF REPRESENTATIVES, }  
December 22, 1851. }

HON. JOHN W. DAVIS,  
*Speaker of the House of Representatives :*

Please lay before the honorable body over which you preside, the enclosed petition, officially received by me, from Emeline Ward and 179 other ladies of the county of Carroll, on the subject of temperance.

Very respectfully,  
GEO. L. SITES,  
*Clerk of the House of Representatives.*

When,

On motion,

The temperance memorials accompanying the foregoing communication were referred to the committee on Temperance.

By Mr. Cowgill:

A temperance memorial of sundry citizens of this State ;

Which,

On motion,

Was referred to the committee on Temperance.

The Speaker laid before the House the following communication and accompanying temperance memorials :

HALL OF THE HOUSE OF REPRESENTATIVES, }  
December 22, 1851. }

HON. JOHN W. DAVIS,  
*Speaker of the House of Representatives :*

Please lay before the honorable body over which you preside, the enclosed temperance memorial, officially received by me, from W. L. Black and 124 other citizens of Cass and Carroll counties.

I have the honor to be,

Very respectfully,  
GEO. L. SITES,  
*Clerk of the House of Representatives.*

When,

On motion,

The memorial referred to in the above communication, was referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Donaldson, chairman of the committee on Elections, made the following report:

MR. SPEAKER:

The standing committee on Elections, to whom was referred the certificates of election of the respective members of the House, have examined the same, and directed me to report that they find the following named persons were duly elected and returned Representatives to this House at the general election on the first Monday in August last, and are as follows, to-wit:

From the county of Adams—John Crawford.

From the county of Allen—Isaac D. G. Nelson.

From the county of Bartholomew—Joseph Struble.

From the county of Blackford—Joseph W. Holliday.

From the county of Boone—Wm. B. Beach and Wm. Staton.

From the county of Brown—William Taggart.

From the county of Carroll—Albert G. Hanna.

From the county of Cass—Wm. Z. Stuart.

From the county of Clark—Thos. Ware Gibson and Andrew J. Hay.

From the county of Clay—Oliver Cromwell and George Donham.

From the county of Clinton—James F. Suit.

From the county of Crawford—Joel Ray.

From the county of Dearborn—Oliver B. Torbet and William S. Holman.

From the county of Decatur—John F. Stephens.

From the county of Daviess—John Scudder.

From the county of Delaware—Michael Thompson.

From the county of Dubois—Henry W. Barker.

From the county of Elkhart—Joseph Beane.

From the county of Fayette—John V. Lindsey.

From the county of Floyd—Phineas M. Kent.

From the county of Franklin—Samuel Davis and Emanuel Withers.

From the county of Fountain—Jacob Dice.

From the county of Fulton—Hugh Miller.

From the county of Gibson—James W. Cockrum.

From the county of Grant—Zimri Reynolds.

- From the county of Greene—Andrew Humphreys.
- From the county of Hamilton—James H. Douthit.
- From the county of Hancock—John Foster.
- From the county of Harrison—Thos. S. Gunn.
- From the county of Hendricks—Ebenezer S. Watson.
- From the county of Henry—Isaac H. Morris.
- From the counties of Howard and Tipton—Nathaniel R. Lindsay.
- From the counties of Huntington and Wells—George McDowell.
- From the county of Jackson—Samuel F. Wells.
- From the county of Jay—Robert Huey.
- From the county of Jefferson—John Lyle King and Francis F. Mayfield.
- From the county of Jennings—Edward P. Hicks.
- From the county of Johnson—Samuel Eccles.
- From the county of Knox—James D. Williams.
- From county of Kosciusko—Robert Geddes.
- From the county of La Grange—Francis Henry.
- From the county of Lake—Alex. McDonald.
- From the county of Laporte—Francis W. Hunt.
- From the county of Lawrence—Melchert Helmer.
- From the county of Madison—Thomas McAllister and Andrew Shanklin.
- From the county of Marion—Henry Brady and Isaac Smith.
- From the counties of Marshall and Starke—Thomas Sumner.
- From the county of Martin—Martin D. Crim.
- From the county of Miami—Richard F. Donaldson.
- From the county of Monroe—Samuel H. Buskirk.
- From the county of Montgomery—Mahlon D. Manson and Daniel C. Stover.
- From the county of Morgan—John Laverty.
- From the county of Noble—Jerome Sweet.
- From the county of Orange—D. S. Huffstetter.
- From the county of Owen—James W. Dobson.
- From the county of Parke—Elias G. Holladay.
- From the county of Perry—Milton Walker.
- From the county of Pike—James C. Graham.
- From the county of Porter—Wm. M. Harrison.
- From the county of Posey—Robert Dale Owen and Urbin Marrs.
- From the counties of Pulaski and Jasper—Adam M. C. Goudy.
- From the county of Putnam—Bradford Glazebrook.
- From the county of Randolph—John Wilson.
- From the county of Ripley—Hiram A. Hart.
- From the county of Rush—Junius Beeson.
- From the county of St. Joseph—Thomas S. Stanfield.
- From the county of Scott—Wm. H. English.
- From the county of Shelby—William Major.
- From the county of Spencer—Thomas M. Smith.

From the counties of Steuben and DeKalb—Gilman C. Mudgett and Geo. W. McConnell.

From the county of Sullivan—John W. Davis and Theophilus Chowning.

From the counties of Switzerland and Ohio—Samuel Porter and John W. Spencer.

From the county of Tippecanoe—Godlove O. Behm.

From the county of Union—James Leviston.

From the county of Vanderburgh—Willard Carpenter.

From the county of Vermillion—Henry Hostetter.

From the county of Vigo—Samuel B. Gookins and Robert N. Hudson.

From the county of Wabash—Calvin Cowgill.

From the county of Warren—James R. M. Bryant.

From the county of Warrick—Eli Lewis.

From the county of Washington—Rudolphus Schoonover.

From the county of Wayne—John P. Doughty, Edmund Lawrence, and Joseph M. Bulla.

From the counties of White and Benton—Sol. Hays.

From the county of Whitley—David B. Litchfield.

Mr. Beach, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred bill of the House No. 33, a bill to abolish the Tippecanoe and Marion county courts of common pleas, provide for the trial of causes pending therein, and to regulate proceedings in reference to the records, judgments, orders and decrees thereof, together with the engrossed amendment of the Senate thereto, have had the same under consideration, and have directed me to report the same back for the further action of the House thereon, and said committee ask to be discharged from the further consideration thereof.

Which was concurred in.

On motion by Mr. Holman,

The bill and amendments referred to in the above report, were laid on the table.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred House bill No. 28, a bill to repeal the 11th, 12th and 13th sections of an act



to amend an act entitled "An act to amend the act entitled an act to incorporate the city of Fort Wayne," and all acts and parts of acts amendatory thereto, with instructions to inquire into the constitutionality of said bill, have considered the same, and have directed me to report that, in the opinion of said committee, the passage of said bill modifying the powers of said municipal corporation, would not violate any provision of the Constitution. Said committee have also made the following amendments to said bill, in which the concurrence of the House is respectfully requested, and as amended, recommend the passage thereof:

Strike out all of the preamble of said bill; also, strike out the second section.

Strike out the first section from the enacting clause, and insert the following:

"That the 11th, 12 and 13th sections of an act to amend an act entitled "An act to amend the act entitled an act to incorporate the city of Fort Wayne," and all parts of acts amendatory thereto, be, and the same are hereby repealed.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Bryant, from the committee on Education, made the following report:

**MR. SPEAKER:**

The committee on Education, to which was referred a resolution of the House, instructing the said committee to report a bill for the sale of county seminaries and the property belonging thereto, have had the subject under consideration, and have instructed me to report the following bill, and to ask to be discharged from the further consideration of the subject:

No. 48. A bill to provide for the sale of county seminaries, and the property belonging thereto, and to transfer the proceeds thereof to the common school fund.

Which was read a first time, and passed to a second reading.

Mr. Lewis, chairman of the committee on Benevolent and Scientific Institutions, made the following report:

**MR. SPEAKER:**

The committee on Benevolent and Scientific Institutions, whose duty it became to visit and examine the state and condition of the Asylum for the deaf and dumb, have visited said institution, and made the necessary examination.

They take great pleasure in being able to report to this House that the institution is in a very flourishing condition.

The educational department is all the most sanguine could wish.

The very able Superintendent, James S. Brown, A. M., appears to be fully adequate to all the various demands made upon him, in the general and domestic management of the institution. The extraordinary control which he is capable of exercising over the mutes by a single sign, is truly surprising to the uninitiated, and highly creditable to the Superintendent.

The lady-like matron, Miss Lucy Jameson, is entitled to much praise for the faithfulness and ability with which she has discharged her onerous and diversified duties.

The instruction of the pupils is conducted upon what is denominated the "graded system," and each gradation of the school appears to be progressing rapidly, under the care of the gentlemanly teachers, whose names we present to the favorable notice of the House. William Willard, 1st Assistant; Charles Axtell, A. M., 2d Ass't; William H. Demotte, A. B., 3d Ass't; Jeremiah Tingley, A. B., 4th Ass't; Martin M. Hanson, 1st Monitor; Cyrus McCarter, 2d Monitor.

Livingston Dunlap, M. D., the attending physician, has given the utmost satisfaction; he is eminently qualified in a professional point of view, to fill the station he holds, and being well acquainted with the sign language, his services could not well be spared; and his continuance, therefore, much to be desired. Under his care the health of the inmates of the institution are as safe as it is possible for them to be, and parents at a distance may at all times rest satisfied.

The committee are entirely satisfied with the present law enactments governing the institution. Under them it has moved on very harmoniously. They would, therefore, recommend that it remain untouched and untampered with; this course, they think, is clearly indicated in the good old rule of "let well enough alone." Notwithstanding, should any member of the House be able to suggest, at any time during the continuance of the session, any change that would be likely to advance the interest or increase the prosperity of the institution, they will at all times be ready to give it their careful consideration.

The committee respectfully ask the adoption of the above report. Which was concurred in.

Mr. Hunt, from the committee on Benevolent and Scientific Institutions, made the following report:

**MR. SPEAKER:**

The committee on Benevolent and Scientific Institutions, to whom was referred a bill of the House No. 31, entitled "An act to regulate visiting of the Indiana Hospital for the Insane," have had that sub-

ject under consideration, and directed me to report the same back to the House, without amendment, and respectfully recommend its passage.

The bill contained in the foregoing report was ordered to be engrossed.

#### RESOLUTIONS OF THE HOUSE.

Mr. Stanfield offered the following resolution :

*Resolved*, That, the Senate concurring, the House, when it adjourns on Wednesday next, will adjourn until Monday next at nine o'clock, A. M.

Mr. Donaldson moved to amend the resolution by striking out Monday next and inserting January 1.

Which motion did not prevail.

Mr. English offered the following amendment :

That when this House adjourns on Wednesday next, it will adjourn to meet on the 4th day of January, and that no per diem be paid the members or officers of the House during the adjournment, and no additional mileage.

Mr. Gibson moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Gibson and Stanfield.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Crim, Cromwell, Dice, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Gunn, Hart, Hay of Clark, Helmer, Henry, Hicks, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Hunt, King, Laverty, Leviston, Lindsey of Fayette, Litchfield, McAllister, McConnell, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Spencer, Stanfield, Staton, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson Wells, and Mr. Speaker--72.

*Those who voted in the negative were,*

Messrs. Cowgill, Davis, Dobson, Donaldson, English, Glazebrook, Graham, Hanna, Harrison, Hays of White, Humphreys, Kent,

Lawrence, Lewis, Lindsay of Howard, Major, Manson, Mayfield, McDonald, Smith of Marion, Smith of Spencer, Stover, Williams, Wilson, and Withers—25.

So the amendment was laid upon the table.

On motion by Mr. Owen,

The resolution was amended by striking out the words "the Senate concurring therein."

Mr. English offered the following amendment to the resolution :

And that no per diem be paid the members or officers of the House for the time of the adjournment, and no additional mileage.

Mr. Behm moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. English and Stuart.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Dice, Donaldson, Donham, Doughty, Eccles, Geddes, Gibson, Gookins, Goudy, Harrison, Hart, Hay of Clark, Helmer, Henry, Holman, Hostetter, Hudson, Huey, Hunt, Laverty, Leviston, Lewis, Lindsey of Fayette, Litchfield, McAllister, McConnell, McDonald, McDowell, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Spencer, Stanfield, Staton, Stevens, Struble, Suit, Sweet, Taggart, Torbet, and Wells—62.

*Those who voted in the negative were,*

Messrs. Buskirk, Davis, Dobson, Douthit, English, Foster, Glazebrook, Graham, Gunn, Hanna, Hays of White, Hicks, Holliday of Blackford, Huffstetter, Humphreys, King, Lawrence, Lindsay of Howard, Major, Manson, Mayfield, Miller, Smith of Marion, Smith of Spencer, Stover, Stuart, Sumner, Thompson, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—34.

So the amendment was laid on the table.

Mr. Harrison moved to lay the resolution on the table.

Which motion did not prevail.

Mr. Smith of Spencer moved to amend the resolution by striking out Monday and inserting Saturday after New Years.

Which motion did not prevail.

Mr. Brady moved to amend the resolution by striking out Monday, and inserting Friday.

Which motion did not prevail.

Mr. Gibson called the previous question,

Which was seconded by the House.

The question being, shall the main question be now put?

Was decided in the affirmative.

The question then being on the adoption of the resolution;

The ayes and noes were demanded by Messrs. English and Smith of Spencer.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Behm, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Dice, Donham, Doughty, English, Gibson, Gookins, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holman, Hostetter, Hudson, Kent, King, Laverty, Leviston, Lindsey of Fayette, Mayfield, McAllister, McDowell, McDonald, Morris, Owen, Scudder, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Taggart, Thompson, Torbet, Walker, Watson, Wells, and Withers—49.

*Those who voted in the negative were,*

Messrs. Barker, Brady, Bulla, Chowning, Crawford, Crim, Cromwell, Davis, Dobson, Donaldson, Douthit, Eccles, Foster, Geddes, Glazebrook, Goudy, Graham, Gunn, Hanna, Harrison, Helmer, Holiday of Blackford, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Manson, McConnell, Miller, Nelson, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Suit, Sumner, Sweet, Williams, Wilson and Mr. Speaker—48.

So the resolution was adopted.

A message from the Senate, by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that Messrs. Reid, Turman and Defrees are the joint committee on Phraseology and Arrangement on the part of the Senate.

The Speaker laid before the House the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
 INDIANAPOLIS, Dec. 22, 1851. }

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives:*

SIR:—Permit me to call the attention of the House to the fact that certain conflicting provisions of the revenue law, unless remedied, will seriously embarrass the assessment for 1852.

The 23d section of the act of 1841 provided that the lien of the State on personal property for taxes should attach on the first of March annually.

Under an act of 1843, page 76, this section was "so amended as that every person, body politic or corporate, shall be bound to list and stand chargeable with tax on all personal property subject to taxation by law, owned or assessed on the first day of January, annually."

The Revised Statutes of 1843, however, section 10, page 209, provide that "every person shall be listed in the township where he resided when the enlistment is made, for all personal estate owned by him on the first day of March of the year in which the same is made."

This statute was amended in 1844, page 75, by declaring that the words "first of March," wherever they occur in the laws in relation to the assessment of taxes be construed and taken to mean "the first day of January."

Again, this provision was repealed in the act of 1851, page 39. The provisions of the Revised Statutes are therefore again in force, under which, the lien for taxes on all property, real and personal, attaches on the first of March, annually. The assessors, under the existing law, are authorized to commence their labors immediately on the first of January, and the absurdity would then be presented, of requiring men, under oath, to state the amount of property that *will be* in their possession on the first of March succeeding.

The assessment of the personal property, and of such real estate as may have become taxable since the last appraisement, particularly if a system of township assessors be adopted, can easily be performed between the first of March and the first of June ensuing, and as the entire revenue law must undergo a revision, it is respectfully suggested whether it would not be advisable to postpone the commencement of the assessment until after the first of March. It is probable by that period the revision of the acts on this subject can be perfected, and if valuable and permanent amendments are made, the sooner they become operative the better for the interests of the State, and of the tax payer. The postponement could operate to the injury of none, as the returns could be made as early as under

the existing law. Should this course not be adopted the provisions of the act of 1844 ought certainly to be revised.

I have the honor to be, &c.,

E. W. H. ELLIS,

*Auditor of State.*

Which,

On motion,

Was referred to the committee on Ways and Means.

Mr. Cockrum offered the following resolution:

*Resolved*, That the committee on the Organization of Courts of Justice be and they are hereby instructed to take into consideration the expediency of so amending the law, regulating and defining the duties of legislators, that no member of either house shall draw his per diem pay for any greater number of days than he fills his seat, sickness excepted.

Which was not adopted.

On motion by Mr. Barker,

*Resolved*, That the committee on the Judiciary be instructed to report a bill providing for a uniform mode of electing county commissioners by general ticket in each county.

On motion by Mr. Litchfield,

*Resolved*, That it is the duty of the House of Representatives of the State of Indiana to immediately commence the revision of the Statute law of this State as contemplated by the Constitution.

On motion by Mr. Behm,

*Resolved*, That the Editors furnishing papers to this House, be requested to enclose them in better and more substantial wrappers.

Mr. Suit offered the following resolution:

*Resolved*, That the State Librarian be directed to sell the stoves now in use in the Hall of the House of Representatives, and procure others of the same size and pattern as speedily as possible.

Mr. Gunn moved to amend the resolution by adding with a warrant, that said stoves shall not smoke.

Which motion did not prevail.

Mr. Smith of Spencer moved to amend the resolution by adding at the proper place, "have the old ones repaired."

Which motion did not prevail.

The resolution was then adopted.

On motion by Mr. Donham,

*Resolved*, That the committee on the affairs of the State Prison be authorized and required at some period during the session to visit the Penitentiary and report to the House on its present condition.

On motion by Mr. Beach,

*Resolved*, That the House will, the Senate concurring, proceed on Wednesday next, at 10 o'clock, to the election of Commissioners to revise the practice and pleadings in courts of law.

Mr. Cookins offered the following resolution:

*Resolved*, That the committee of Fees and Salaries, be instructed to report a bill providing that a docket fee of ten dollars be taxed against the losing party in each case in the supreme court.

Also, a docket fee of five dollars be taxed against the losing party in all cases, pending in any other court of record, involving the title to real property, and in all cases in which specific relief is sought.

Also, a docket fee of two and a half dollars against the losing party, in all other cases, pending in any court of record, except criminal cases and on confessed judgments.

Also, a docket fee of one dollar on each confessed judgment in any court of record.

That the docket fees in the Supreme court be paid into the State Treasury, all others into the county Treasury.

On motion by Mr. Stuart,

The resolution was laid on the table.

A message from the Senate by Mr. Dunn, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following resolution:

*Resolved*, That the House be requested to return to the Senate bill of the House No. 33, a bill to abolish the Tippecanoe and Marion court of Common Pleas, to provide for the trial of causes pending therein and to regulate all proceedings in reference to the records, judgments, orders, and decrees, thereof.

In which the concurrence of the the House is respectfully requested.



The foregoing resolution was reciprocated by the House.

Ordered,

That the clerk return the bill named in the foregoing message.

A message from the Senate by Mr. Dunn, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that they have passed engrossed House bill No. 6, entitled "An act to provide for the appointment of commissioners to revise and simplify the practice and pleadings of courts of justice," with the following engrossed amendments thereto, in which the concurrence of the House is respectfully requested.

The question being on the adoption of the engrossed amendments of the Senate to the bill contained in the foregoing message ;

On motion by Mr. Smith, of Marion,

The amendments of the Senate were considered separately.

The question then being on concurring in the first engrossed amendment of the Senate,

The ayes and noes were demanded by Messrs. Withers and Graham.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Behm, Buskirk, Crim, Cromwell, Davis, Dobson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Henry, Hicks, Holliday of Blackford, Hudson, Huey, Humphreys, King, Lewis, Lindsay of Howard, Manson, McConnell, Morris, Ray, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Williams, and Wilson—47.

*Those voting in the negative were,*

Messrs. Barker, Beeson, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Dice, Donaldson, Gibson, Glazebrook, Gookins, Harrison, Hay of Clark, Hays of White, Helmer, Holman, Hostetter, Huffstetter, Hunt, Kent, Laverty, Lawrence, Leviston, Lindsey of Fayette, Litchfield, Major, Mayfield, McAllister, McDonald, McDowell, Miller, Nelson, Owen, Porter, Reynolds, Smith of Marion, Spencer, Stanfield, Stevens, Stover, Stuart, Torbet, Wells, Withers, and Mr. Speaker—49.

So the first amendment was not concurred in.

The question then recurred on the second engrossed amendment of the Senate ;

And the question being put,  
Was decided in the affirmative.  
Ordered, that the clerk inform the Senate thereof.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 17. A bill to provide for the appointment of a Reporter, and a speedy publication of the decisions of the supreme court.

The question being on recommitting the bill with the following instructions offered by Mr. King;

To insert in Sec. 3d, after the words "the opinions of the judges in each case," the following, viz:

Such opinions to be published in full, and in manner and form as the said opinions were delivered by the judges.

Mr. Schoonover moved to amend the instructions as follows:

That the General Assembly elect a Reporter until next October, when he shall be elected by the people.

Which was accepted by the mover.

The question then recurred on referring the bill with the instructions of Mr. King;

And the question being put,

It was decided in the negative.

The question recurred on the following amendment, proposed by Mr. Holman:

WHEREAS, by the 6th Section of Article 7th of the amended Constitution, the General Assembly is required to provide by law for the speedy publication of the decisions of the supreme court, made under the said Constitution; and whereas, the interests of the State, and the spirit of said section, require that immediate steps be taken to secure a speedy publication of such decisions, by reason whereof an emergency exists that the law providing therefor should be in force from and after its passage; therefore,

SECTION 8. This act shall be in force from and after its passage.

And the question being put, it was decided in the affirmative.

Mr. King moved the following amendment to the third section:

Such opinions to be published in full, and in manner and form as the said opinions were delivered by the judges.

Which was adopted.

Mr. Kent moved to amend the bill by striking out \$2.50 and inserting \$3.00 per diem.

Which motion did not prevail.

The bill was then ordered to be engrossed.

Mr. Hanna moved that the House adjourn to meet at 2 o'clock,  
P. M.

Nine o'clock to-morrow morning was named as the time for meeting.

Which was not agreed to.

The question recurred on the proposition to adjourn till 2 o'clock,  
P. M.

And being put,

Was decided in the affirmative.

2 o'clock, P. M.

The House met.

#### ORDERS OF THE DAY RESUMED.

#### *Senate Bills on their third reading.*

No. 22. A joint resolution relative to granting public lands to settlers ;

Was read a third time.

The question being, shall the joint resolution pass ?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Nelson, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—85.

No person voting in the negative.

So the joint resolution passed.

*Ordered*, That the clerk inform the Senate thereof.

On motion by Mr. Doughty,

Leave of absence was granted Mr. Holliday of Parke, on account of sickness.

A message from the Senate by Mr. Dunn, their secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that they have passed the following engrossed joint resolution thereof, to-wit:

Joint resolution of Senate No. 34, entitled "A joint resolution in favor of the Hungarian Patriots;"

In which the concurrence of the House is respectfully requested.

The joint resolution contained in the foregoing message was read a first time and passed to a second reading.

On motion by Mr. Behm,

The rule was suspended and the joint resolution read a second time.

Mr. Behm moved to refer the joint resolution to a select committee of three.

Which motion did not prevail.

Mr. Behm offered the following amendment:

Strike out all after the resolving clause and insert the following:

1. That there being "a community in the principle of freedom, and an identity in the destinies of humanity," Americans cannot be indifferent to the progress of both abroad, and to the fate of those who promote them; that circumstances of the times enable the Government of the United States, compatibly with its policy of non-intervention, by the exertion of its powerful moral force, to assume relations of increased interest and influence among christian nations, and on the side of free principles and the rights of the people.

2. That the late revolution of the people of Hungary to liberate themselves from the tyrannies of the House of Hapsburg, was a rightful appeal to that last resort and indefeasible privilege of all people, the sacred right of revolution, one "divine right" which an American can acknowledge; and that the Magyar rebellion, holy in principle, patriotic in purpose, heroic in effort, brilliant with glories, and only disastrous because of treason and the Cossack, well deserved and received from the people of Indiana, hopefulness for its success, admiration for its glories, and sympathy for its failure.

3. That the people of Indiana honor Louis Kossuth as the type and impersonation of that revolution—of its principles, its heroes, its victories, its greatness, its glories and reverses. They deem him worthy the homage of all friends of freedom everywhere, and especially of American homage, by that fame which reputes him “the Washington of Hungary.” They trust that this endeared idol of Magyar affection, now, by the generosity of the Turk, liberated upon a theatre of activity, may yet prove to be the liberator of Hungary. They trust it is his destiny in the designs of Providence, to lead his race victoriously in that mutiny against despotism which now mutely exists in the thoughts and feelings of oppressed millions, but will, in God’s good time, ripen into an armed and tumultuous revolt of roused and avenging nations. The people of Indiana, therefore, sincerely congratulate him and his fellow fugitives on their escape from Austrian vengeance, welcome him as the guest of our nation, and, through their Senators and Representatives, invite him and his suite to become the guests of this State, at its metropolis, where personal manifestations of their sympathy for his country and respect for its heroes may be offered.

4. That His Excellency, the Governor, be requested to cause the transmission of the foregoing resolutions to Governor Kossuth; and further, in the name of this Legislature, tender him the welcome and hospitality of the people of Indiana, and urge him and his suite to accept the same at the State Capital.

Mr. Donaldson called the previous question;

Which was not seconded by the House.

Mr. Hudson moved to amend the joint resolution by inserting at the proper place “as the representatives of the Hungarian cause.”

Mr. Foster called the previous question;

Which was not seconded by the House.

After further debate,

Mr. Beach moved a call of the previous question;

Which was seconded by the House.

The question being, shall the main question be put?

Was decided in the affirmative.

The question being put on Mr. Hudson’s amendment to the joint resolution,

The ayes and noes were demanded by Messrs. King and Behm.

*Those who voted in the affirmative were,*

Messrs. Behm, Bryant, Bulla, Carpenter, Cowgill, Cromwell, Davis, Doughty, Geddes, Gookins, Graham, Gunn, Hay of Clark, Helmer, Hicks, Holliday of Blackford, Hudson, Hunt, King, Lawrence, Lindsay of Howard, Shanklin, Stanfield, Staton, Suit, Sumner, Thompson, Walker, and Watson—29.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning, Cockrum, Crawford, Dice, Dobson, Donaldson, Donham, Douthit, English, Foster, Gibson, Glazebrook, Hanna, Harrison, Hart, Henry, Holman, Hostetter, Huey, Huffstetter, Humphreys, Kent, Lavery, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Spencer, Stover, Struble, Stuart, Sweet, Taggart, Torbet, Wells, Williams, Wilson, Withers and Mr. Speaker—62.

So the amendment of Mr. Hudson was not adopted.

The question then recurred on the adoption of Mr. Behm's amendment to the joint resolution.

The ayes and noes were demanded by Messrs. Behm and King.

*Those who voted in the affirmative were,*

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis, Doughty, Geddes, Gookins, Graham, Gunn, Hay of Clark, Helmer, Hicks, Holliday of Blackford, Hudson, Hunt, King, Lawrence, Lindsay of Howard, Mayfield, McDonald, McDowell, Reynolds, Scudder, Shanklin, Smith of Spencer, Stanfield, Stevens, Sumner, Thompson, Walker and Watson—35.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning, Crawford, Dice, Dobson, Donham, Douthit, English, Foster, Gibson, Glazebrook, Hanna, Harrison, Hart, Henry, Holman, Hostetter, Huey, Huffstetter, Kent, Lavery, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Manson, McAllister, McConnell, Miller, Morris, Nelson, Owen, Porter, Ray, Schoonover, Smith of Marion, Spencer, Stover, Struble, Stuart, Suit, Sweet, Taggart, Torbet, Wells, Williams, Wilson, Withers, and Mr. Speaker—55.

So the amendment was not adopted.

The question then being on ordering the joint resolution to a third reading,

The ayes and noes were demanded by Messrs. Kent and Gibson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Davis, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, English, Foster, Gibson, Glaze-

brook, Gookins, Graham, Hanna, Harrison, Hart, Helmer, Henry, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—82.

*Those who voted in the negative were,*

Messrs. Bulla, Cowgill, Cromwell, Doughty, Geddes, Gunn, Hicks, and Lawrence—8.

So the joint resolution was ordered to a third reading.

A message from the Senate, by Mr. Dunn, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that they have passed the following engrossed bill thereof, to wit:

Senate bill No. 33. Entitled "a bill to prohibit the making distress for rent by warrant ;"

In which the concurrence of the House is respectfully requested.

The bill contained in the foregoing message was read a first time, and passed to a second reading.

Mr. Donaldson moved to suspend the order of business and take up House bill

No. 42. A bill authorizing railroad companies to borrow money and secure the re-payment thereof by mortgage ;

Which motion did not prevail.

No. 45. A bill to prohibit negroes and mulattoes from coming into the State of Indiana, and for the registering of such as are entitled to reside therein, and to prevent contracts with negroes and mulattoes, not entitled to such residence.

Was read a second time.

On motion by Mr. Hay,

The bill was referred to the committee on the Judiciary.

On motion by Mr. McConnell,

Leave of absence was granted Mr. Mudget.

On motion by Mr. Hicks,  
Leave of absence was granted Mr. Eccles.

No. 46. A bill to provide for the subscription by the State Librarian for one copy annually, of each of the public weekly newspapers published in this State and for the binding thereof;  
Was read a second time.

Mr. King moved to refer the bill to the committee on the Judiciary, with instructions for county recorders to subscribe for county newspapers;

Which motion did not prevail.

On motion,  
The bill was referred to the committee on the Judiciary.

No. 47. A bill to provide for making out and printing a catalogue of the books in the State Library;  
Was read a second time.

On motion by Mr. Smith of Marion,  
The bill was referred to the committee on the State Library.

#### BILLS OF THE SENATE UPON THEIR SECOND READING.

No. 30. A bill prescribing the time of holding circuit courts in the second judicial circuit, fixing the length of the respective terms in the same, and conforming the business of said courts to the changes herein made;

Was read a second time, and ordered to a third reading.

Mr. Stuart moved that the House adjourn until to-morrow, 2 o'clock, P. M.;

Which motion did not prevail.

By unanimous consent of the House,

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report:

**MR. SPEAKER:**

The committee on Ways and Means, to whom was referred a communication from the Auditor of State, in regard to the time when the lien attaches on property, have had the same under consideration, and have directed me to report the following bill, and very respectfully recommend its passage:

No. 49. A bill to amend the 10th and 11th sections of article



2, of chapter 12, of part first of the Revised Statutes of 1843, on the subject of enlisting property for taxation ;

Which was read a first time, and passed to a second reading.

#### HOUSE BILLS ON THIRD READING.

No. 42. A bill authorizing railroad companies to borrow money and to secure the repayment thereof by mortgage ;

Was read a third time ;

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Foster, Geddes, Glazebrook, Gookins, Graham, Gunn, Harrison, Hay of Clark, Helmer, Henry, Hicks, Holiday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Stover, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Withers—71.

*Those who voted in the negative were,*

Messrs. Beeson, Davis, Gibson, Leviston, Smith of Marion, Stanfield, Suit, and Mr. Speaker—8.

So the joint resolution passed.

*Ordered,* That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate have refused to recede from their engrossed amendment to House bill No. 6, entitled " an act to provide for the appointing of commissioners to revise and simplify the practice and pleadings of courts of justice.

The House refused to recede from its disagreement to the amend-

ment of the Senate to No. 6, a bill to provide for the appointment of commissioners to revise, &c.

On motion by Mr. Owen,

The House insisted on its disagreement to the amendments of the Senate to bill of the House No. 6, to provide for the appointment of commissioners, &c ;

And Messrs. Owen and Bryant were appointed a committee of Conference on the part of the House.

Mr. Suit, chairman of the committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The committee on Engrossed Bills have examined joint resolution of the House No. 5, and bill of the House No. 42, and find them correct.

On motion,

The House adjourned to meet to-morrow morning at 9 o'clock.

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TUESDAY MORNING, {  
December 23, 1851.

The House met.

The journal of the preceding day was partly read, when,

On motion,

The further reading of the journal was dispensed with.

#### REPORTS FROM COMMITTEES.

Mr. Buskirk, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred House bill No. 40,

have directed me to report the same back without amendment, and recommend its passage.

No. 44. A bill to extend the time of final payment for University lands, and to exempt purchasers of such lands from forfeiture of the same in certain cases.

The bill was ordered to be engrossed.

#### RESOLUTIONS OF THE HOUSE.

Mr. Brady offered the following resolution :

*Resolved*, That the standing committee on the Judiciary be directed to inquire into the propriety of repealing all laws granting changes of venue, and more than two continuances in the circuit courts.

On motion by Mr. Stuart,

The resolution was amended by striking out "on the Judiciary," and inserting "on Organization of Courts of Justice."

The resolution as amended was adopted.

#### ORDERS OF THE DAY.

##### *House bills on third reading.*

No. 5. A joint resolution in relation to mistakes in the purchase of lands in the Vincennes land district.

Was read a third time.

The question being, Shall the joint resolution pass ?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Chowning, Cockrum, Cromwell, Davis, Dobson, Donham, Doughty, Douthit, Foster, Gibson, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Helmer, Henry, Holliday of Blackford, Holman, Hostetter, Hudson, Huffstetter, Hunt, Kent, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, McAllister, McConnell, McDonald,

McDowell, Nelson, Porter, Ray, Schoonover, Shanklin, Scudder, Smith of Marion, Smith of Spencer, Spencer, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—70.

No person voting in the negative.

So the joint resolution passed.

Ordered that the clerk inform the Senate thereof.

#### HOUSE BILLS ON SECOND READING.

No. 49. A bill to amend the 10th and 11th sections of article 2 of chapter 12, of part first, of the revised statutes of 1843, on the subject of enlisting property for taxation;

Was read a second time.

Mr. English moved to lay the bill on the table, and print 100 copies.

Which motion did not prevail.

Mr. Graham moved to strike out the 1st of January, and insert the first of March.

Which motion did not prevail.

The bill was then ordered to be engrossed.

Mr. Buskirk moved that the rule be suspended, and that the bill be read a third time;

And the question being put,

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Geddes, Gibson, Glazebrook, Gookins, Hanna, Harrison, Hay of Clark, Helmer, Henry, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Kent, Laverly, Lawrence, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, McConnell, Nelson, Owen, Porter, Ray, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Spencer, Stover, Stuart, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Beeson, Cockrum, English, Foster, Graham, Gunn, Hays of White, Hicks, Leviston, Mayfield, McAllister, McDonald, McDowell, Miller, Reynolds, Shanklin, Stanfield, Struble, Suit, and Thompson—20.

So the rule was suspended, and the bill read a third time.  
The question being shall the the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Douthit, Geddes, Gibson, Glazebrook, Gookins, Goudy, Hanna, Harrison, Hay of Clark, Hays of White, Helmer, Henry, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Hunt, Kent, Lavery, Lawrence, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McConnell, Nelson, Owen, Porter, Ray, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stevens, Stover, Stuart, Suit, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—70.

*Those who voted in the negative were,*

Messrs. Davis, English, Foster, Graham, Gunn, Hicks, Leviston, McAllister, McDonald, McDowell, Miller, Reynolds, Stanfield, Struble, Sumner and Thompson—16.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 48. A bill to provide for the sale of county seminaries and the property belonging thereto, and to transfer the proceeds thereof to the common school fund.

Was read a second time.

Mr. Gibson moved to refer the bill to the committee on the Judiciary.

Which motion did not prevail.

Mr. Harrison moved to print the bill.

Which motion did not prevail.

On motion by Mr. Gookins,

The bill was laid on the table, and 100 copies ordered to be printed.

#### SENATE BILLS ON THEIR SECOND READING.

No. 33. A bill to prohibit the making distress for rent by warrant;

Was read a second time.

On motion by Mr. King,  
The bill was referred to the committee on the Judiciary.

#### HOUSE BILLS ON THIRD READING.

No. 17. A bill to provide for the appointment of a Reporter and the speedy publication of the decisions of the Supreme Court;  
Was read a third time.

Mr. Graham moved to recommit the bill to the committee on the Judiciary, with the following instructions, to-wit:

So change the provisions of the bill as to provide for the appointment of a reporter of the decisions of the Supreme Court, whose duty shall be to report the decisions of said court, now made and not reported, and such as may be made by said court prior to its organization under the new Constitution.

And provide for the election of a reporter by the people, to enter upon the discharge of his duty as such, at the first term of said court after its organization under the new Constitution.

The question being put,

The ayes and noes were demanded by Messrs. King and Graham.

*Those voting in the affirmative were,*

Messrs. Barker, Beane, Behm, Bulla, Cockrum, Crawford, Cromwell, Davis, Doughty, Douthit, Geddes, Graham, Gunn, Hay of Clark, Henry, Hicks, Holliday of Blackford, Hudson, Huey, King, Lawrence, Lindsay of Howard, Mayfield, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Suit, Thompson, Walker, and Watson—33.

*Those who voted in the negative were,*

Messrs. Beach, Beeson, Brady, Bryant, Chowning, Dice, Dobson, Donaldson, Donham, English, Foster, Gibson, Glazebrook, Hanna, Helmer, Holman, Hostetter, Huffstetter, Humphreys, Hunt, Kent, Laverty, Leviston, Lindsey of Fayette, Litchfield, Major, Manson, McAllister, McDonald, McConnell, McDowell, Miller, Nelson, Owen, Porter, Ray, Reynolds, Spencer, Stanfield, Staton, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Torbet, Wells, Williams, Wilson, Withers, and Mr. Speaker—52.

So the bill was not committed with the instructions.

By the unanimous consent of the House,

Mr. Spencer recorded his vote.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, English, Foster, Gibson, Glazebrook, Gookins, Hanna, Harrison, Helmer, Henry, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Litchfield, Major, Manson, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Owen, Porter, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Torbet, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Beane, Behm, Cockrum, Davis, Doughty, Douthit, Geddes, Goudy, Graham, Gunn, Hay of Clark, Hicks, Holliday of Blackford, Lindsay of Howard, Mayfield, Schoonover, Stanfield, Stevens, Suit, Thompson and Watson—21.

So the bill passed.

Ordered,

That the clerk inform the Senate thereof.

By unanimous consent of the House, Mr. Buskirk recorded his vote.

By unanimous consent of the House, Mr. Manson recorded his vote.

No. 31. A bill entitled an act to regulate visiting the Insane Hospital of the State of Indiana.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Beach, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Harrison, Hay of Clark, Helmer, Henry, Hicks, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer,

Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—87.

No person voting in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 28. A bill to repeal the 11th, 12th and 13th sections of an act to amend an act entitled an act to amend the act entitled an act to incorporate the City of Fort Wayne, and all acts and parts of acts amendatory thereto;

Was read a third time.

On motion by Mr. Holman,  
The bill was laid on the table.

#### SENATE BILLS ON SECOND READING.

No. 30. A bill prescribing the time of holding the circuit courts in the second judicial circuit; fixing the length of the respective terms in the same, and conforming the business of said courts to the changes herein made;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Chowning, Cockrum, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, English, Geddes, Gibson, Glazebrook, Gookins, Goudy, Graham, Gunn, Harrison, Hay of Clark, Helmer, Henry, Hicks, Holliday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Leviston, Lindsey of Fayette, Litchfield, Major, Manson, McAllister, McDonald, McDowell, Miller, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stevens, Stover, Strubble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—80.

Mr. Stanfield voted in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.



No. 34. A joint resolution in favor of the Hungarian patriots ;  
Was read a third time.

Mr. Davis of Franklin moved to commit the joint resolution to a special committee, with instructions to strike out the preamble, and insert after the resolving clause the following :

That sympathizing with the Hungarians in their struggle for liberation from Austrian domination, but not willing to interfere in a foreign armed intervention—regarding Louis Kossuth as the hope of freedom in Europe—the Senators and Representatives of Indiana, in General Assembly convened, and in behalf of the people of this State, extend our most cordial invitation to the great Hungarian, Kossuth, and his companions in exile to visit this metropolis during the present session of the General Assembly.

Mr. Holliday of Blackford moved to lay the motion to commit with the instructions of Mr. Davis of F. on the table ;

And the question being put :

The ayes and noes were demanded by Messrs. King and Manson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Buskirk, Chowning, Cromwell, Dice, Dobson, Donaldson, Donham, Douthit, English, Foster, Gibson, Glazebrook, Gookins, Hanna, Harrison, Hay of Clark, Hays of White, Helmer, Henry, Holliday of Blackford, Holman, Hostetter, Huffstetter, Humphreys, Kent, Lavery, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Owen, Porter, Ray, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Torbet, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker—65.

*Those who voted in the negative were,*

Messrs. Behm, Bulla, Cockrum, Davis, Doughty, Geddes, Graham, Gunn, Hicks, Hudson, Hunt, King, Mayfield, Reynolds, Scudder, Stanfield, Staton, Stevens, Suit, Thompson, and Watson—21.

So the motion to commit with the instructions was laid upon the table.

The question then being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Chowning, Cockrum, Crawford, Davis, Dice, Dobson, Donham, Doughty, Douthit, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Hanna, Harrison, Hay of Clark, Hays of White, Helmer, Henry, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—79.

*Those who voted in the negative were,*

Messrs. Gunn, Hicks, and Lawrence—3.

So the joint resolution passed.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn, their secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that they have passed engrossed House bill No. 5, entitled "An act to authorize masters in chancery and probate judges to issue writs of habeas corpus, and to try cases arising under such writs, and to award injunctions and writs of ne exeat, and providing their compensation for such services," with the following engrossed amendments on the part of the Senate thereto.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Stanfield,

The bill and amendments contained in the foregoing message were referred to the committee on the Judiciary.

The Speaker laid before the House the following communication from the State Librarian :

*To the Honorable, the House of Representatives :*

In obedience to a resolution of your honorable body, I have made diligent inquiry in relation to the purchase of stoves for the Hall, of the pattern now in use, and find that no such stoves are for sale in this city. Navigation is closed, and it is uncertain when they could be obtained from Cincinnati. I have an offer from a stove dealer in this city, who will repair the old stoves by putting in new backs, at

an expense of from twenty to thirty dollars. They can be repaired by next Monday, he thinks, or a day or two after. It is important that speedy action be had, as new patterns for the backs have to be made before casting, and that, if possible, the repairs may be made during the recess.

Yours respectfully,

N. BOLTON,

*State Librarian.*

Which,

On motion by Mr. Brady,

Was referred to the committee on Public Buildings.

On motion by Mr. Gibson,

Leave of absence was granted Messrs. Carpenter and Lewis.

On motion by Mr. Holman,

Bill No. 28. A bill to repeal the 11th, 12th and 13th sections of an act to amend an act entitled an act to amend the act entitled "An act to incorporate the city of Fort Wayne," &c.;

Was taken from the table.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, English, Foster, Geddes, Gibson, Glazebrook, Gookins, Goudy, Graham, Gunn, Hanna, Harrison, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Kent, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—83.

*Those who voted in the negative were,*

Messrs. Behm and McDonald.

So the bill passed.

Ordered,

That the clerk inform the Senate thereof.

By unanimous consent of the House, Mr. Hay from the commit-

tee on benevolent and scientific institutions, made the following report:

**MR. SPEAKER:**

The committee on benevolent and scientific institutions, to whom was referred, Senate bill No. 11, "An act entitled an act for the government of the Indiana Hospital for the Insane, and the care of the Insane in Indiana," have had the same under consideration and directed me to report the same with the following amendments, and after the adoption of said amendments to recommend its passage.

Amend as follows:

"Strike out of the 1st section the words the present Commissioners shall serve out their respective terms.

Also, add the following section:

That the Medical Superintendent of the Hospital for the Insane shall not be compelled to leave the Hospital for the purpose of serving as a witness on the examination contemplated by this act of any person supposed to be insane.

The foregoing amendments were concurred in, and the bill ordered to be engrossed.

On motion by Mr. Owen,

The committee on Education obtained leave of absence for this afternoon.

Mr. McDonald obtained leave and made the following report:

**MR. SPEAKER:**

The committee on Swamp Lands, to which was referred joint resolution No. 7, of the House, have instructed me to report the same back to the House with one amendment, and recommend its passage:

Amend by inserting after the word sold, the words "and the value of lands entered by land warrants."

Which report was concurred in, and the joint resolution ordered to be engrossed.

Mr. King, by the unanimous consent of the House, introduced

No. 8. A joint resolution relative to William Smith O'Brien and others.

Which was read a first time and passed to a second reading.

Mr. Davis of F. moved to suspend the rule and read the joint resolution a second time now;

Which motion did not prevail.

Mr. Goudy obtained leave and offered the following resolution:

*Resolved*, That the committee on swamp lands be instructed to inquire into the expediency of granting to actual settlers a pre-emption to actual settlers, with leave to report by bill or otherwise.

Which was adopted.

Mr. Torbet obtained leave and introduced,

No. 9. A joint resolution in relation to newspaper postage.  
Which was read a first time and passed to a second reading.

On motion by Mr. Holman,  
Messrs. Hart and Cowgill obtained leave of absence.

On motion by Mr. King,  
Mr. Buskirk obtained leave of absence.

Mr. Holman obtained leave and offered the following resolution:

*Resolved*, That his excellency the Governor of the State be requested to furnish to this House such information as may be within his reach as to amounts expended or liabilities incurred by the State in the employment of legal counsel in the prosecution and defense of suits and other professional business on behalf of the State, through as extended a series of years last past as his information may admit of, and report at the earliest convenience.

Which was adopted.

Mr. Smith of Spencer moved to suspend the order of business to read bill of the Senate No. 11, for the government of the Indiana Hospital for the Insane, &c.;

Which motion did not prevail.

On motion by Mr. Wells,  
Mr. Goudy obtained leave of absence.

On motion by Mr. Walker,  
Mr. Gunn obtained leave of absence.

On motion by Mr. Smith of Marion,  
Mr. Manson obtained leave of absence.

On motion by Mr. Hicks,  
Mr. Holliday of Parke obtained leave of absence.

On motion by Mr. Lavery,  
Mr. Huey obtained leave of absence.

On motion by Mr. Kent,  
Mr. Taggart obtained leave of absence.

On motion by Mr. English,  
Mr. Stuart obtained leave of absence.

On motion by Mr. Gibson,  
Messrs. Humphreys and Davis of Franklin obtained leave of absence.

On motion by Mr. Gibson,  
The House adjourned to meet to-morrow morning at 9 o'clock.

WEDNESDAY MORNING, }  
December 24, 1851. }

The House met.

On motion by Mr. Hanna,

A call of the House was ordered.

The Clerk then proceeded to the call, when it appeared that the following members were absent, viz:

Messrs. Bulla, Cromwell, Donham, Donaldson, Glazebrook, Goudy, Helmer, Hicks, Hays of White, Hostetter, King, Leviston, McAllister, Reynolds, Smith of Marion, Staton, Stevens, Shanklin, Stanfield, Torbet, Thompson, Wells, Wilson, Walker and Watson.

Mr. Gibson moved that a further call of the House be dispensed with.

Which motion did not prevail.

There being no quorum present, and the absentees being called;

The Speaker ordered the Door-keeper to close the doors;

When the Speaker announced that it was in order to receive excuses for the absentees.

On motion by Mr. Harrison,

Mr. McDonald was excused.

On motion by Mr. Holliday of Blackford,

Mr. Helmer was excused.

On motion by Mr. Scudder,

Mr. Hicks was excused.

On motion by Mr. Graham,

Mr. Hostetter was excused.

On motion by Mr. Miller,

Mr. Leviston was excused.

On motion by Mr. McDowell,

Mr. Reynolds was excused.

On motion by Mr. Holliday of Blackford,

Mr. Shanklin was excused.

On motion by Mr. Suit,

Mr. Stanfield was excused.

On motion by Mr. Mayfield,

Mr. King was excused.

On motion by Mr. Doughty,

Mr. Bulla was excused.

On motion by Mr. Lindsay of Howard,

Mr. McAllister was excused.

On motion by Mr. Porter,

Mr. Stevens was excused.

On motion by Mr. Hanna,

Mr. Watson was excused.

On motion by Mr. Scudder,  
 Mr. Thompson was excused.  
 On motion by Mr. Holman,  
 Mr. Torbet was excused.  
 On motion by Mr. Smith of Spencer,  
 Mr. Walker was excused.  
 On motion by Mr. Huffstetter,  
 Mr. Wells was excused.  
 On motion by Mr. McDowell,  
 Mr. Wilson was excused.  
 On motion of Mr. Mr. Hanna,  
 Mr. Hays of White, was excused on account of ill health.  
 On motion by Mr. Brady,  
 The absentees generally were excused.  
 On motion by Mr. Brady,  
 A further call of the House was suspended.  
 When,  
 On motion by Mr. Gibson,  
 The House adjourned until Monday morning, 9 o'clock.

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MONDAY MORNING, }  
 December 29, 1851. }

The House met.

On motion by Mr. Graham,  
 A call of the House was ordered.  
 The clerk then proceeded to the call, when it appeared that,

Messrs. Beeson, Bulla, Buskirk, Carpenter, Cowgill, Crawford, Crim, Cromwell, Dice, Donaldson, Donham, Doughty, Eccles, English, Glazebrook, Gookins, Goudy, Gunn, Harrison, Hart, Hays of White, Helmer, Hicks, Holladay of Parke, Hostetter, Huey, Humphreys, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Manson, Marrs, Mayfield, McAllister, McDonald, Morris, Mudgett, Reynolds, Shanklin, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Taggart, Thompson, Watson, Wells and Wilson—54—were absent.

There being no quorum present,

Mr. Spencer moved that the House adjourn until to-morrow morning, 9 o'clock.

Two o'clock this afternoon was also named.

The question being on adjourning until 9 o'clock to-morrow morning;

Was decided in the negative.

The question then recurring on adjourning until 2 o'clock this afternoon;

Was decided in the negative.

On motion by Mr. Beach,

Mr. Staton was excused.

When,

On motion by Mr. Suit,

The absentees were all excused.

On motion by Mr. Hay of Clark,

The further call of the House was suspended.

When,

On motion by Mr. Hay of Clark,

The House adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING,  
December 30, 1851. }

The House met.

The journals of the three preceding days were read.

#### PETITIONS AND MEMORIALS RECEIVED.

By the clerk of the House.

A memorial on the subject of Temperance.

Which on motion was referred to the committee on Temperance.

By Mr. Porter;

The petitions of sundry citizens of Ohio and Switzerland counties, in reference to abolishing the grand jury system.

Which,

On motion,



Was referred to the committee on the Organization of Courts of Justice.

By Mr. Spencer;

A memorial of the ladies, on the subject of granting license for the sale of intoxicating liquors.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Spencer;

The petition of sundry citizens of Ohio and Switzerland counties, in reference to abolishing the grand jury system.

Which,

On motion,

Was referred to the committee on the organization of Courts of Justice.

By Mr. Porter;

Memorials on the subject of Temperance.

Which,

On motion,

Were referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Gibson from the committee on the Judiciary made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred bill of the House No. 5, "a bill to authorize masters in Chancery and Probate Judges to issue writs of Habeas Corpus and to try cases arising under such writs, and to award injunctions and writs of *ne exeat*, and providing their compensation for such services," together with the engrossed amendments of the Senate thereto, have had the same under consideration, and a majority of said committee have directed me to report the same back and recommend that said amendments by the Senate be concurred in by the House, and said committee ask to be discharged from the further consideration thereof.

On motion by Mr. Behm,

The engrossed amendments of the Senate were concurred in, excepting those parts which authorize Clerks of circuit courts to grant injunctions and issue writs of *ne exeat* and *habeas corpus*, &c.

The question then recurred on those parts excepted in the foregoing motion.

And the question being put,

The ayes and noes were demanded by Messrs. Behm and Holman.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Bryant, Chowning, Cromwell, Dobson, Donham, Douthit, Eccles, Foster, Gibson, Hanna, Hay of Clark, Hicks, Holliday of Blackford, Holman, Humphreys, Leviston, Lindsey of Fayette, Litchfield, Major, McConnell, McDowell, Miller, Nelson, Owen, Porter, Ray, Reynolds, Scudder, Spencer, Staton, Stover, Sweet, Torbet, Walker, Williams, Withers and Mr. Speaker.—41.

*Those who voted in the negative were,*

Messrs. Behm, Brady, Cockrum, Davis, Geddes, Glazebrook, Graham, Henry, Hudson, Huffstetter, Hunt, King, Laverty, Lindsay of Howard, Mayfield, McAllister, Morris, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Struble, Suit, Sumner, and Watson.—25.

No quorum voting, the vote was indecisive.

On motion by Mr. Smith of Spencer,

A call of the House was ordered.

The clerk then proceeded to the call.

When the following members were in their seats and answered to their names, to-wit:

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Chowning, Cockrum, Cromwell, Davis, Dobson, Donham, Douthit, Eccles, Foster, Geddes, Gibson, Glazebrook, Graham, Hanna, Hay of Clark, Henry, Hicks, Holliday of Blackford, Holman, Hudson, Huffstetter, Humphreys, Hunt, King, Laverty, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stover, Struble, Suit, Sumner, Sweet, Torbet, Walker, Watson, Williams, Withers, and Mr. Speaker.—66.

The following members were absent :

Messrs. Bulla, Buskirk, Carpenter, Cowgill, Crawford, Crim, Dice, Donaldson, Doughty, English, Gookins, Goudy, Gunn, Harrison, Hart, Hays of White, Helmer, Holladay of Parke, Hostetter, Huey, Kent, Lawrence, Lewis, Manson, Marrs, McDonald, Mudget, Stanfield, Stevens, Stuart, Taggart, Thompson, Wells, and Wilson.—34.

Mr. Torbet moved that the further call of the House be dispensed with.

Which motion did not prevail.

The absentees were called.

On motion by Mr. Smith of Marion,

Mr. Harrison obtained leave of absence on account of ill health.

On motion by Mr. Humphreys,

Mr. Crim obtained leave of absence on account of ill health.

On motion by Mr. Holman,

Mr. Hart was excused.

On motion by Mr. Stover,

Mr. Manson was excused.

Mr. McDowell moved that all the absentees be excused.

And the question being put,

The ayes and noes were demanded by Messrs. Smith of Spencer, and Williams.

*Those who voted in the affirmative were,*

Messrs. Barker, Beeson, Bryant, Cromwell, Donham, Gibson, Holman, Hudson, Huffstetter, Leviston, Lindsey of Fayette, McDowell, Owen, Porter, Reynolds, Shanklin, Spencer, Stover, Suit, Torbet, Withers and Mr. Speaker—22.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Behm, Brady, Chowning, Cockrum, Davis, Dobson, Douthit, Eccles, Foster, Geddes, Glazebrook, Graham, Hanna, Hay of Clark, Henry, Hicks, Holliday of Blackford, Humphreys, Hunt, Laverty, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, Miller, Morris, Nelson, Ray, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Staton, Struble, Sumner, Sweet, Walker, Watson and Williams—43.

So they were not excused.

On motion by Mr. Owen,

Mr. Marrs was excused on account of sickness.

On motion of Mr. Stover,

Mr. Dice was excused.

On motion by Mr. Humphreys,

The further call of the House was suspended.

The question being on concurring in so much of the engrossed amendments of the Senate to bill of the House No. 5, to authorize Masters in chancery and Probate Judges to issue writs of habeas corpus &c., as allows clerks of the circuit courts to issue writs of ne exeat, &c.

Pending which,

On motion by Mr. Humphreys,  
The House adjourned to meet at two o'clock, P. M.

---

2 o'clock, P. M.

The House met.

The question being this morning on concurring in the engrossed amendment of the Senate to House bill No. 5, authorizing clerks of circuit courts to issue writs of habeas corpus, &c., came up to be considered.

The question being in concurring in that part of the amendment.

The ayes and noes were demanded by Messrs. Behm and Holman.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Bryant, Chowning, Cromwell, Dobson, Donham, Douthit, Eccles, Foster, Gibson, Goudy, Graham, Hanna, Hay of Clark, Hicks, Holliday of Blackford, Holman, Humphreys, Hunt, Lindsey of Fayette, Litchfield, Major, McConnell, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Scudder, Spencer, Staton, Stover, Stuart, Sweet, Torbet, Walker, Williams, Withers, and Mr. Speaker—45.

*Those who voted in the negative were,*

Messrs. Behm, Brady, Cockrum, Davis, Geddes, Glazebrook, Henry, Hudson, Huffstetter, King, Laverty, Lindsay of Howard, Mayfield, McAllister, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Struble, Suit, Sumner, and Watson—23.

So that part of the amendment was concurred in.

*Ordered,* That the clerk inform the Senate thereof.

On motion by Mr. Davis of Franklin,

A call of the House was ordered.

The clerk proceeded to the call, and after spending some time in the call;

On motion by Mr. Gibson,

The further call of the House was dispensed with.

Mr. Gibson from the committee on the Judiciary made the following report:

MR. SPEAKER :

The judiciary committee to whom was referred Senate bill No. 27, entitled an act for the relief of persons who are likely to suffer by the destruction of the records and other writings of Clay county, &c., with instructions to inquire into the constitutionality of the same, and into the expediency of making the same general, have had the same under consideration, and have directed me to report that, in their opinion, such bill conflicts with the 23d section of the 4th article of the constitution. Your committee conceive that a general law can be made applicable, and that there exists a necessity for such general law ; and have directed me to report the following amendments to such bill, making it general :

Strike out the preamble and title, and all after the enacting clause, and insert—

An act to provide against the consequences ensuing or likely to ensue from the destruction of books, pamphlets, papers, records, or other writings of any county in this State, or of any circuit, probate, commissioners' or other inferior court of record therein, or filed with or in the legal custody of any officer of any county in this State, and to provide for the perpetuation of testimony relative to the same ; and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators and guardians have been destroyed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever there has been, or shall be destroyed, all or any of the books, pamphlets, papers, records or other writings belonging to any county in this State, or of any court of record held therein, it shall be the duty of the auditor of such county forthwith thereafter to notify the members of the board of commissioners of such county, to meet at such time and place as he shall designate, and they shall so meet accordingly ; and may, during the twelve months from thence next ensuing, meet from time to time on their own adjournments, if such meetings shall in their opinion be rendered necessary, by the destruction of the records as aforesaid.

SEC. 2. Such board when so met shall, on proof made before them, cause to be made out and certified by the auditor of such county, a list of all books, pamphlets, documents, records, maps, and other papers, whether written or printed, which have been so destroyed, which had before such time been furnished such county by the State government by virtue of any law or joint resolution of this State, which certified list such auditor shall forthwith forward to the Governor of the State.

SEC. 3. It shall be the duty of the Governor, immediately on the receipt of such certified list to notify the officer or officers of State, whose duty it may be to furnish to the counties pamphlets,

books, documents, maps, records and other papers, whether written or printed, of the fact of such destruction; and it shall be the duty of such officer or officers immediately thereafter to furnish to such county all such pamphlets, books, documents, maps, records, and other papers, whether written or printed, as may be so certified to have been destroyed, in the same manner as if such county had never received the same.

SEC. 4. If the records required to be kept in the recorder's office of any county in this State have been or shall be destroyed in whole or in part, it shall be the duty of such recorder forthwith thereafter to procure a book or books, in which he shall from time to time and in the order in which they may be presented, record such deeds and other instruments of writing as had been previously recorded in such office, and the record whereof has been destroyed; and he shall also, immediately after the record of such deed or other instrument, record the endorsement therein made by the recorder, of the time when said deed was originally filed in such office for record; and such record shall have the same force and effect as the original record would have had if the same had not been destroyed.

SEC. 5. Such recorder shall also procure another book or books in which he shall record, in the order in which the same may be presented to him, all such proof of the execution, acknowledgment, contents, destruction, and recording of any deed or other instrument before that time recorded in such office, the record whereof has been destroyed, as may be made before him in the manner hereinafter prescribed; which said book or books, together with the book or books required in the last preceding section, shall be by such recorder indexed in the same manner as records of deeds may at such time be required to be indexed by existing laws.

SEC. 6. Whenever any person having an interest in perpetuating the evidence of any deed or other instrument in writing, proper to be recorded, the record whereof in such office has been destroyed, will make oath before such recorder that he has such interest,—that such deed or other instrument has been previously recorded in such office, and that though he has made diligent search for the original of such deed or other instrument, he has been unable to find the same, such recorder shall at the instance of such person, after first recording such oath, and causing such affiant to sign such record, proceed to take such proof under oath as may be produced before him, recording the same in such book, and causing the witnesses to sign such record, to which he shall also add his certificate of their having been duly sworn in the premises.

SEC. 7. Such proof shall consist of evidence of the due execution and acknowledgment of such deed or other instrument,—of the date and contents of the same,—of the fact that the same had been previously recorded in such office, and the time when it was so recorded, or deposited for record, as nearly as the witness or witnesses may be able to state. But such recorder, before examining any witness,

shall require him to state on oath, that he has no interest direct or indirect in perpetuating such testimony, which statement shall be incorporated in such record. Such recorder shall be authorized to administer all oaths required by this and the last preceding section of this act, and may himself be sworn as a witness by any person authorized to administer oaths.

SEC. 8. In all suits in any court in this State, it shall be competent for either party to read in evidence such record of testimony, or a copy thereof, certified by the recorder of such county, to be a full copy of all the testimony relative to such deed as it may have relation to, as may be contained in such record; and such record, or such copy thereof, when so read in evidence, shall have the same force and effect as if the witness or witnesses had have sworn to the same facts on the trial of said cause,—and may be excluded, rebutted or impeached, in the same manner that such testimony might have been excluded, rebutted or impeached, if sworn to by such witness or witnesses on such trial.

SEC. 9. If the records or files of the circuit, probate, commissioners', or other inferior court of record in any county in this State, or the papers on file in the office of the clerks of either of such courts, or the bonds, notes, or other papers belonging to, or properly filed in the office of the treasurer, auditor, assessor or other officer of any county in this State, or any or either of them, have been, or shall be in whole or in part destroyed, the board of commissioners, when they shall have met as is in the first section of this act required, shall appoint a commissioner, who, after having taken an oath of office as such commissioner, shall forthwith proceed to discharge the duties hereinafter required of him.

SEC. 10. The said commissioner may, if he deems the same necessary, employ a clerk; and such clerk, before entering upon the discharge of his duties, shall take an oath of office. Such commissioner shall also procure a sufficient number of substantial record books, in which shall be recorded at length the proceedings had before such commissioner hereinafter authorized, keeping in separate books the record of business appertaining to the different courts, and the offices of the different officers of such county. Such commissioner shall have power to administer oaths in all cases where testimony is required to be taken before him.

SEC. 11. If the board of commissioners of such county shall at any time become satisfied that such commissioner is incompetent, or unreasonably delays or neglects the duties devolved upon him by this act, they may, by order of record, remove him from such office, and appoint a successor, and from such order of removal there shall be allowed no appeal. And such board of commissioners may, at any time after twelve months from the time when such commissioner enters upon the duties of his office, require him, within twenty days thereafter, to close up the business of his commission; after the expiration of which twenty days the duties of his office shall cease. But

such board of commissioners may at any time thereafter authorize a resumption of said duties for a limited period.

SEC. 12. Such commissioner, before entering upon the duties of his office, shall give twenty days' notice of his appointment, and of the time and place when and where he will commence discharging such duties, by publication in some weekly newspaper of general circulation, printed and published in such county, if there be one, and by posting up written notices in each of the townships of such county. Such commissioner may adjourn from time to time, as the business before him may require; but after an adjournment without day, he shall not again resume the duties of such office without an order of the board of commissioners of such county shall authorize him to do so.

SEC. 13. Such commissioner shall have power to administer all oaths necessary and proper to be taken before him,—to issue subpœnas for witnesses, and compel their attendance by attachment,—punish contempts by fine, and issue execution therefor,—tax costs, and issue fee bills therefor; and such writs and subpœnas shall be served by the sheriffs of the several counties in this State, who, together with witnesses, shall receive therefor the same compensation which may be allowed by law for the same service or attendance in the circuit court, to be taxed against the party making such cost.

SEC. 14. Such clerk, or if no clerk be appointed, such commissioner shall enter of record such proof by disinterested witnesses as may be produced before, of the existence and contents of any record, (judgments and decrees, and writs of execution and returns thereof, recognisances and forfeitures thereof, in courts of record excepted,) bond, note or other document or written paper whatever, which belonged to or was properly filed or deposited in the office of the clerk of the circuit, probate, commissioners' or other inferior court of record in such county which has been or may be destroyed. *Provided, however,* that no proof of the contents of any will shall be received until the commissioner is satisfied, by the oath of the person seeking to have the same recorded, or other satisfactory evidence, that neither the original will nor an authenticated copy of the same can be produced.

SEC. 15. Such commissioner, and such recorder, in making entries of the testimony taken before him, shall set out at length the statements of the witness or witnesses, and not the conclusions drawn by such commissioner or recorder from such statements.

SEC. 16. Such records shall be signed by such commissioner from day to day, and at the close of each volume he shall certify the same to be true and full copies of the testimony taken before him, and shall deposit such volumes, as fast as they are completed, in the different offices to which their contents respectively appertain. Such record, or properly certified copies thereof may be read in evidence in any legal proceeding in this State, and shall have the same force



and effect that the same testimony would have had if delivered orally in court.

SEC. 17. Copies of such record or any part thereof may be certified as true and full copies of all testimony taken on the subject matter to which such part relates, by such commissioner while such evidence remains in his custody, and by the officers with whom the same may be properly deposited after such deposit, and shall have the same force and effect in evidence as the original of which they are copies.

SEC. 18. Such commissioner shall, if he employs a clerk, be entitled to receive as compensation a sum to be allowed by the board of commissioners, not exceeding three dollars per day for the time actually employed; and if he act as his own clerk, a like compensation of not exceeding four dollars per day. Such clerk, if one be employed, shall be paid not exceeding two dollars per day. The recorder of any such county shall be entitled to charge half the usual fees for recording, to be paid by the person for whom the same is done. All expenses of books, stationery and per diem shall be paid by such county.

SEC. 19. Whenever an authenticated copy of any will or letters testamentary or of administration, the record whereof has been destroyed, shall be produced to the clerk of the proper court, he shall record the same in the same manner as if it was the original, and shall note upon the record the date at which it was originally recorded; which last record shall have the same force and effect the original record would have had if the same had not been destroyed.

SEC. 20. Any circuit, probate, or other inferior court of record, held in any county in this State, the records whereof have been or may be destroyed in whole or in part, may in term time, or at a special term or terms held by the judge thereof, in his discretion, the holding of which term or terms is hereby authorized, on motion, cause to be reinstated on the record any judgment or decree, or record of the issue and return of any writ of execution or order of sale, or any restraining or other interlocutory order or decree, before that term made or rendered in said court, or any recognizance or other undertaking of record, the record whereof has been destroyed.

SEC. 21. The defendants or their legal representatives, in all cases mentioned in the last preceding section, shall have ten days' notice in writing of the intention of the plaintiff or complainant to make such motion; or if such defendant be a non-resident of the State, or his residence unknown, such notice may be given by three weeks' publication in some weekly newspaper of general circulation, printed and published in such county, or if none be printed and published in such county, then in such paper in this State, nearest to the county seat of such county; such published notice to be given by the clerk of such court on affidavit filed by some disinterested affiant.

SEC. 22. Such defendant may resist such motion by plea of *null*

*iel record*, and no other which shall be tried by the court ; but strict proof of sums and dates shall not be required on the trial of such issue. If the defendant appears to such motion, or has had actual notice thereof, such judgment, decree, or other record shall, when so reinstated of record, have the same force and effect that the original judgment, decree or other record would have had, if the same had not been destroyed.

SEC. 23. In all cases when such judgments, decrees, executions, and records of the issue and return thereof, or recognizances and forfeitures thereof, shall be reinstated of record without appearance of or actual notice to the defendant, such defendant may at any time within two years thereafter, on affidavit of merits, have the same set aside on motion, of which notice the plaintiff or complainant shall have the same notice required to be given to the defendant by the eighteenth section of this act. Whenever such reinstatement shall be so set aside, the same proceedings shall be had thereon as if the defendant had have appeared to the original notice.

SEC. 24. All guardians, administrators and executors, whose official bonds have been or may be destroyed in any general and notorious destruction of the records of any county in this State, shall within three months thereafter file new bonds to the acceptance of the proper officer; or failing so to do, they shall cease to be such guardian, executor or administrator, and the proper court shall appoint a successor. The liability on such new bond shall commence from the time of filing the same in the proper office ; and the sureties in the bond destroyed shall not be liable for any default or miscarriage of their principal occurring after such new new bond has been filed.

SEC. 25. All county officers from whom, by law, an official bond is required, shall, upon the destruction of any such bond, file with the proper officer a new bond within twenty days after they shall be notified of such destruction by written notice over the hand of the officer having the custody of the bond destroyed, or failing so to do, or to resign such office, shall be fined before any justice of such county ten dollars for every day they shall fail so to do ; and the liabilities in such new and old bond respectively shall be the same as is provided in the twenty-first section of this act on like bonds given by guardians, executors and administrators.

SEC. 26. If the precept and duplicate, or either of them, or any other public paper or papers in the hands of the treasurer of any county in this State, has been or shall be in whole or in part destroyed, it shall be the duty of the county auditor of such county, or other officer whose duty it may be to furnish such papers, forthwith thereafter to replace the same in his hands by making out anew all such books and papers as have been destroyed, in the same manner and from the same original as the books and papers destroyed were made out ; which precept duplicate and other books and papers, when so made out and placed in the hands of such treasurer,

shall have the same force and effect as if they were identical papers which had been destroyed.

SEC. 27. All persons charged with taxes on such duplicate made out as in the last preceding section is required, shall be liable to pay the same, unless such person shall produce a proper receipt for the same, or shall satisfy, by competent proof, such treasurer, or the board of commissioners of such county, that he has paid the same.

SEC. 28. Whenever in any county both the assessment rolls and duplicates shall be destroyed, the board of commissioners of such county shall cause new assessments and appraisements to be made out, in the same manner and under the same regulations that the original assessments and appraisements were made—and all such proceedings shall be thereafter had as may be necessary and proper under existing laws, to enable the treasurer to collect all taxes due in such county.

SEC. 29. It is declared that an emergency exists requiring the immediate taking effect of this act and the same is hereby declared to be in force from and after its passage.

SEC. 30. If at any time before the publication and distribution of the general laws of the present general assembly, the Secretary of State shall be informed that the records or any part thereof of any county in this State, have been in whole or in part destroyed, it shall be his duty forthwith to forward to the clerk of the circuit court of such county an authenticated copy of this act, and such clerk shall file the same in his office, and shall furnish the board of commissioners of such county with a copy thereof for the use of the commissioners herein provided for.

Which was concurred in, and the bill ordered to a third reading.

A message from the Senate by Mr. Dunn, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that they have adopted the following rules prescribing the duties and powers of the joint committee on Revision, Arrangement and Phraseology of Bills, to-wit:

1st. That on the third reading of all bills and joint resolutions after the same have been engrossed, the engrossed bill or joint resolution may be referred to this committee, who shall carefully examine the phraseology and arrangement of the same, and make such changes and alterations as will tend to express the true meaning and intent of the bill, &c., then under examination, without altering or changing the substance, and shall make such alteration and arrangement of sections as will place them in proper order in the bill or joint resolution.

2d. All alterations and amendments made by this committee,

shall be made on separate pages, or sheets of paper, and not on the bill or joint resolution, and shall be reported to the Senate or House in which the same originated, subject to their adoption and concurrence.

3d. It shall be the duty of this committee to examine said bills, or joint resolutions when enrolled, and see that the amendments or alterations have been made, are properly inscribed in the enrolled bills, &c., before the same are reported to the assembly.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Holman,

The foregoing message was laid on the table and ordered to be printed.

A message from the Senate by Mr. Dunn their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed House bill, to-wit:

Bill No. 36. Entitled a bill to authorize the Governor of this State, to engage the services of a clerk to examine the maps and lists of Swamp Lands, granted by the general government to this State, with the following engrossed amendments of the Senate, thereto, in which the concurrence of the House is respectfully requested.

The amendments of the Senate to the foregoing bill were concurred in.

Ordered,

That the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that they have passed the following engrossed bill of the House to-wit:

House bill No. 33. An act to abolish the Tippecanoe and Marion courts of Common Pleas, provide for the trial of causes pending therein and to regulate all proceedings in reference to the records, judgments and decrees thereof, with the following engrossed amendments of the Senate thereto, in which the concurrence of the House is respectfully requested.

The amendments of the Senate to the bill contained in the foregoing message, were concurred in.

Ordered,

That that the clerk inform the Senate thereof.

Mr. Behm from the committee on the Judiciary made the following report:

**MR. SPEAKER :**

The committee on the Judiciary to whom was referred bill No. 13, "a bill to authorize the Grand Lodge of Free Masons of the State of Indiana, to erect and maintain a monument on the battle ground of Tippecanoe," together with the engrossed amendment of the Senate thereto, have had the same under consideration, and have directed me to report the same back and recommend that said amendment of the Senate be concurred in by the House, and said committee ask to be discharged from the further consideration thereof.

The amendments of the Senate were concurred in.

Ordered,

That the clerk inform the Senate thereof.

Mr. Holman chairman of the committee on the Judiciary made the following report:

**MR. SPEAKER :**

The committee on the Judiciary to whom was referred House bill No. 46, "a bill to provide for the subscription by the State Librarian for one copy annually of each of the public weekly newspapers published in this State and for the binding thereof," have had the same under consideration, and have directed me to report the same back without amendment and recommend the passage thereof.

The bill contained in the foregoing report was ordered to be engrossed.

Mr. Owen chairman of the committee on Education made the following report:

**MR. SPEAKER :**

The committee on Education to whom was referred a resolution of the House enquiring as to the condition and quantity of the unsold saline lands within the State, having ascertained that the information sought for is not in the possession of the Auditor of State, report the annexed resolution, and recommend its passage.

*Resolved*, That the Auditor of State be requested, by correspondence with the proper officers, to ascertain the condition, quantity and probable value of the Saline Lands belonging to the State, and report the same to this House.

Which was concurred in,  
And the resolution adopted.

Mr. Huffstetter, chairman of the committee on Public Buildings, made the following report :

MR. SPEAKER :

The committee on Public Buildings, to whom was referred a communication of the State Librarian relative to stoves for the Hall of the House of Representatives, have had the same under consideration and instructed me to report the following resolution and ask its adoption :

*Resolved*, That the State Librarian be authorized to have the stoves now in use in the Hall of the House of Representatives repaired as suggested in his communication to this House on this subject.

The report was concurred in, and the resolution adopted.

Mr. Graham, from a select committee, made the following report :

MR. SPEAKER :

The select committee to which was referred the petition of sundry persons, from the county of Knox, praying that township one, north of range 8 west, and sections 31, 32, 33, 34, 35 and 36, in township No. 2, north of range 8 west, in Knox county, be added to the county of Pike, have had the same under consideration and have directed me to report the following bill and recommend its passage :

No. 50. A bill to attach township No. 1, north of range 8 west, and sections number 31, 32, 33, 34, 35, and 36, in township No. 2, north of range No. 8 west, now constituting a part of the county of Knox, to the county of Pike;

Which was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Gibson presented the petition of the citizens of Clarksville, praying for the passage of an act amendatory to the charter of said town ;

Which,

On motion,

Was referred to the committee on Education.

## RESOLUTIONS OF THE HOUSE.

On motion by Mr. Owen,

*Resolved*, That the Governor be requested to inform this House :

1st. What has been the actual cost to the State of repairs, furnishing, and all other expenses, on the present Governor's house, yearly, since the purchase of the same ;

2d. Whether any insurance has been effected on said house ;

3d. What is the probable market value of the said house, and the lots on which it stands, if sold on a reasonable credit.

Mr. Hudson offered the following resolution :

*Resolved*, That the committee on Banks be instructed to present to this House a bill creating a system of general banking, and embracing the following conditions :

1st. It shall be the duty of every individual, association or corporate body, before issuing a medium designed to be circulated as money, to deposit in the office of the Treasurer of State, stocks equal in amount with the medium designed to be put in circulation.

2d. The Secretary of State shall register and countersign for each individual, association, or corporate body, bills or notes designed to be used as money in amount, dollar for dollar, equal to the stocks such individual, association, or corporate body may have deposited in the office of the Treasurer of State, and no more.

3d. In addition to the above, every individual, association, or corporate body shall have in their vaults, at the place of doing banking business, gold and silver, in amount equal to twenty-five per cent. of the whole amount of the bills or notes that they have received, registered and countersigned as aforesaid, which said gold and silver shall be kept and used to secure the ready redemption of the bills or notes such individuals, associations, or corporate bodies may, from time to time, put in circulation.

4th. There shall be a board of commissioners consisting of five persons, selected by ———, whose duty it shall be to examine the stocks presented as aforesaid, determine such as shall be taken, and at what per centum the same shall be received.

5th. Whenever any such bill or notes, issued as aforesaid, are presented at the counter or place of doing banking business, within the usual banking hours, and are not forthwith redeemed in gold or silver, such bills or notes so presented and left unredeemed, shall from the date thereof draw interest at the rate of ten per centum per annum, and if not redeemed within ——— days from such presentation, such bills or notes shall immediately thereafter be forwarded

to the Governor of the State, who shall forthwith proceed to sell at public auction, to the highest bidder, the stocks deposited by such individual, association, or corporate body, and the money arising by virtue of such sale shall be deposited in the office of the Treasurer of State, who shall redeem all the notes and bills issued and left unredeemed as aforesaid—the holders of such bills or notes having priority of payment over all other creditors of such individuals, associations, or corporate bodies.

6th. Every individual, as aforesaid, shall be responsible over and above the amount of the bills or notes he received countersigned as aforesaid, equal to the amount of said bills or notes, and each and every stockholder shall be individually responsible, to an amount over and above their stock, equal to their respective shares of stock, for all debts and liabilities of such association or corporate bodies.

7th. Before receiving from the Secretary of State any bills or notes registered and countersigned as aforesaid, the individual, or the association, or the corporate body by their proper officer, shall take and subscribe an oath, stating the full amount of gold and silver they have at their command, and intend to keep at the place of doing banking business, for the purpose of redeeming their issues, and false swearing in such cases shall be perjury.

And all other restrictions necessary to secure the certain and speedy redemption of all such issues, in gold and silver, and inducements sufficient to justify the banker in putting his bills or notes in circulation, as to the committee may seem right and proper.

Mr. Brady moved to amend the resolution by making it one of inquiry, instead of imperative.

Mr. Nelson offered the following amendment to the resolution:

Strike out from the resolving clause and insert the following:

That in view of the vast amount of more important business to be acted upon by the General Assembly, this House deems it inexpedient to legislate on the subject of banks this session.

Mr. Beeson moved to lay the amendment on the table;

Which motion did not prevail.

The question then recurred on the proposition of Mr. Nelson.

The ayes and noes were demanded by Messrs. Gibson and Stuart.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Chowning, Dobson, Donham, Douthit, Eccles, Foster, Graham, Holman, Huffstetter, Humphreys, Linsday of Howard, Litchfield, McAllister, McConnell, McDowell, Morris, Nelson, Porter, Ray, Schoonover, Scudder, Smith of Marion, Spencer, Struble, Sweet, Torbet, Walker, Williams, and Mr. Speaker—32.



*Those who voted in the negative were,*

Messrs. Beeson, Behm, Brady, Bryant, Cockrum, Cromwell, Davis, Geddes, Gibson, Glazebrook, Goudy, Hanna, Hay of Clark, Henry, Hicks, Holliday of Blackford, Hudson, Hunt, King, Lavery, Leviston, Lindsey of Fayette, Mayfield, Miller, Owen, Reynolds, Shanklin, Smith of Spencer, Staton, Stevens, Stover, Stuart, Suit, Sumner, Watson and Withers—36.

So the amendment was not adopted.

On motion by Mr. Glazebrook,

The resolution was laid on the table and 100 copies ordered to be printed.

On motion by Mr. Hunt,

The vote on ordering Senate bill

No. 11. A bill relative to the government of the insane of the Indiana Hospital, &c. ;

Which was ordered to a third reading,

Was reconsidered.

On motion,

The bill was referred to the committee on Benevolent and Scientific Institutions.

By unanimous consent of the House,

Mr. Behm introduced

No. 51. A bill to amend the act entitled an act authorizing the construction of plank roads, approved January 15, 1849 ;

Which was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Hunt introduced

No. 10. A joint resolution relating to the harbor at Michigan City ;

Which was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Owen offered the following resolution :

*Resolved*, That the committee on Roads enquire into the expediency of reporting a general law, prescribing the conditions upon which there shall be granted to private companies who may undertake to complete the same, such unfinished portions of the original public works of the State as are now unoccupied.

Which was adopted.

Mr. Owen, under the rule, gave notice of a motion for leave to introduce a bill relative to deeds and mortgages.

By unanimous consent of the House,  
Mr. Smith of Marion introduced

N. 52. A bill to abolish the Marion Court of Common Pleas, and to transfer the proceedings and records to the Marion Circuit Court.  
Which was read a first time and passed to a second reading.

By unanimous consent of the House,  
Mr. Watson introduced

No. 53. A bill districting the State into Congressional districts, and showing the number of inhabitants in each.  
Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 8. A joint resolution relative to William Smith O'Brien, and others,  
Was read a second time.

On motion by Mr. King,  
The rule was suspended, and the joint resolution was read a third time.

The question being shall the joint resolution pass?

##### *Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Chowning, Cockrum, Cromwell, Davis, Dobson, Donham, Douthit, Eccles, Foster, Geddes, Gibson, Glazebrook, Goudy, Graham, Hanna, Hay of Clark, Henry, Hicks, Holliday of Blackford, Holman, Hudson, Huffstetter, Humphreys, Hunt, King, Laverty, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Torbet, Walker, Watson, Williams, Withers, and Mr. Speaker—68.

No person voting in the negative.

So the joint resolution passed.

Ordered, that the clerk inform the Senate thereof.

No. 9. A joint resolution relative to newspaper postage;  
Was read a second time and ordered to be engrossed.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the following enrolled bill with the engrossed copy, and find the same correctly enrolled.

No. 25. An act to provide for the publishing the acts and joint resolutions of the General Assembly.

Mr. Suit, chairman of the committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills, to whom was referred joint resolution No. 7, and House bill No. 44, have examined the same and report them correct.

On motion by Mr. McDowell,  
The House adjourned to meet to-morrow morning, nine o'clock.

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WEDNESDAY MORNING, }  
December 31, 1851.

The House met.

On motion by Mr. Douthit,  
A call of the House was ordered.

The Clerk proceeded to the call, when the following members were in their seats and answered to their names, viz:

Messrs. Barker, Beach, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cromwell, Davis, Dobson, Donham, Douthit, Eccles, Foster, Glazebrook, Goudy, Graham, Hanna, Hay of Clark, Helmer, Hicks, Holliday of Blackford, Holman, Hudson, Huffstetter,

Hunt, Laverty, Leviston, Lindsey of Fayette, Linsday of Howard, Major, McDowell, Miller, Morris, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Stover, Stuart, Struble, Suit, Sumner, Thompson, Torbet, Walker, Watson, Williams, Withers, and Mr. Speaker—56.

Those who were absent were,

Messrs. Beane, Carpenter, Cockrum, Cowgill, Crawford, Crim, Dice, Donaldson, Doughty, English, Geddes, Gibson, Gookins, Gunn, Harrison, Hart, Hays of White, Henry, Holladay of Parke, Hostetter, Huey, Humphreys, Kent, King, Lawrence, Lewis, Litchfield, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, Mudgett, Porter, Smith of Marion, Spencer, Stanfield, Stevens, Sweet, Taggart, Wells, and Wilson—44.

On motion by Mr. Suit,

Mr. Gunn was excused.

On motion by Mr. Hicks,

Mr. Holladay of Parke was excused.

On motion by Mr. Graham,

Mr. Hostetter was excused.

On motion by Mr. Dobson,

Mr. Humphreys was excused on account of ill-health.

On motion by Mr. Holman,

A further call of the House was suspended.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Owen ;

The memorial of the trustees of Indiana University.

Which,

On motion,

Was referred to the committee on Education.

By Mr. Stover ;

The petition of William Rogers, and 55 others, citizens of Montgomery county, on the subject of temperance.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Behm ;

Six temperance memorials from the ladies and gentlemen of the State of Indiana.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Sumner ;

The petition of the citizens and trustees of Township No. 33, north of range No. 3 east, of Marshal county, relating to district schools.

Which,

On motion,

Was referred to a select committee consisting of Messrs. Sumner, Geddes, and Goudy.

By Mr. Goudy ;

The temperance memorial of sundry ladies of the State.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Withers ;

The petition of sundry citizens of Franklin county relative to sheep-killing dogs ;

Which,

On motion,

Was referred to the committee on Ways and Means.

By Mr. Shanklin ;

Temperance memorial from sundry citizens of this State.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Davis ;

The petition of the Board of Directors of the Brookville and Greensburgh Turnpike Road Company ;

Which,

On motion,

Was referred to the committee on Corporations.

By Mr. Geddes ;

The petition of sundry citizens of this State relative to township libraries ;

Which,

On motion,

Was referred to the committee on Education.

#### REPORTS FROM COMMITTEES.

Mr. Lavery from the joint committee on Enrolled Bills made the following report :

MR. SPEAKER :

The joint committee on Enrolled Bills, have compared enrolled bills of the Senate No. 30 and enrolled joint resolutions Nos. 22

and 34 of the Senate, with the engrossed copies thereof, and find them correctly enrolled.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

Mr. Suit from the committee on Engrossed Bills made the following report:

MR. SPEAKER:

The committee on Engrossed Bills, have examined joint resolutions Nos. 8 and 9, and House bill No. 46, and find them correctly engrossed.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and find them correctly enrolled.

No. 5. An act to authorize masters in chancery, probate judges, and clerks of the circuit courts, to issue writs of *habeas corpus*, and to try causes arising under such writs, and to award injunctions and writs of *ne exeat*, and regulating appeals in such cases, and providing for their compensation for said services.

No. 13. An act to authorize the Grand Lodge of Free Masons of the State of Indiana, to erect and maintain a monument on the battle ground of Tippecanoe.

No. 36. An act to authorize the Governor of this State to engage the services of a clerk, to examine the maps and lists of the swamp lands granted by the General Government to this State, and fixing the compensation of said clerk.

Whereupon the Speaker signed the same.

Ordered that the Senate be informed thereof.

On motion by Mr. Brady, bill

No. 48. A bill to provide for the sale of county seminaries, &c.

Was taken from the table and placed upon the files of the House.

## RESOLUTIONS OF THE HOUSE.

On motion by Mr. Struble,

*Resolved*, That the committee on Benevolent and Scientific Institutions of the State, report the amount necessary to support each institution for the next fiscal year, that a direct appropriation be made instead of a per centum.

On motion by Mr. Smith of Spencer,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of so fixing the school law, that when any school district in the State shall forward to the Treasurer of State any sum of money not exceeding twenty dollars, it shall be the duty of the Treasurer to furnish the same amount of funds out of the treasury not otherwise appropriated, for the use of said district in the purchase of a library, under the direction of the State Superintendent of common schools, for said districts.

By the unanimous consent of the House,

Mr. Dobson presented the following communication :

DECEMBER 18, 1851.

SIR:—I, with others, act as township trustee, and the law of 1849 makes it our duty so to arrange the matter that the schools shall be taught an equal length of time in each district, and there is great diversity of opinion about the number of days to be taught. Some of the district trustees hire a teacher sixty, some sixty-five, some sixty-eight, and some seventy-eight days, as a quarter. Now, I do not know how we will fix that, as we have taken an oath of office.

I would just say, if the Legislature would pass a law for the number of days to be taught for a quarter, then we could get along. I beg for no insult by this; I do not wish to be understood as dictating for you, but for the trustees better in doing their duty.

Yours, &c.

DAVID HARRIS.

Excuse my writing, as I have had a very hard and long spell of sickness, but am getting better.

Which,

On motion,

Was referred to the committee on Education.

On motion by Mr. Dobson,

*Resolved*, That the committee on Fees and Salaries be instructed to inquire into the propriety of reducing clerks' fees in the probate court.

Mr. Owen, in pursuance of previous notice, obtained leave, and introduced

No. 54. A bill concerning deeds and mortgages, their acknowledgment, and the fee for recording same.

Which was read a first time and passed to a second reading.

Mr. Brady, under the rule, gave notice of a motion for leave to introduce a bill relative to the organization of the Senate and House of Representatives.

Orders of the day were resumed where they were left off yesterday.

#### HOUSE BILLS ON THIRD READING.

No. 7. A joint resolution ;  
Was read a third time.

The question being, shall the joint resolution pass ?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cromwell, Davis, Dobson, Donham, Douthit, Eccles, Foster, Geddes, Gibson, Glazebrook, Goudy, Graham, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holliday of Blackford, Holman, Hudson, Huffstetter, Hunt, King, Lavery, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Williams, Withers, and Mr. Speaker—70.

No person voting in the negative.

So the joint resolution passed.

On motion by Mr. Davis,

The title was amended by adding "in relation to Swamp Lands."  
Ordered, that the clerk inform the Senate thereof.

No. 44. A bill to extend the time of final payment for Uni-



versity lands, and to exempt purchasers of such lands from forfeiture of the same in certain cases ;

Was read a third time.

On motion by Mr. Buskirk,

The bill was recommitted to the select committee with instructions to report a section for the sale of lands now forfeited.

#### HOUSE BILLS ON SECOND READING.

No. 50. A bill to attach township No. 1, north of range 8 west, and sections No. 31, 32, 33, 34, 35 and 36 in township No. 2, north of range 8 west, now constituting a part of the county of Knox, to the county of Pike ;

Was read a second time.

Mr. Williams offered the following amendment :

Strike out the word "eight" wherever it occurs and insert the word "seven."

On motion by Mr. Cockrum,

The bill and pending amendment were laid on the table.

No. 51. A bill to amend the act entitled an act authorizing the construction of plank roads, approved January 15, 1849 ;

Was read a second time.

On motion by Mr. Owen,

The bill was referred to the committee on corporations, with instructions to report a general law embodying all the necessary amendments to the present general plank road law.

No. 52. A bill to abolish the Marion Court of Common Pleas, and to transfer the proceedings and records to the Marion Circuit Court ;

Was read a second time and ordered to be engrossed.

No. 53. A bill districting the State into Congressional districts, and showing the number of inhabitants in each ;

Was read a second time.

On motion by Mr. Spencer,

The bill was referred to the committee on dividing the State into Congressional districts.

No. 10. A joint resolution relating to the harbor at Michigan City ;

Was read a second time and ordered to be engrossed.

#### HOUSE BILLS ON THIRD READING.

No. 46. A bill to provide for the subscription by the State Librarian for one copy annually of each of the public weekly newspapers published in this State, and for the binding thereof ;

Was read a third time.

Mr. Owen moved to recommit the bill with the following instructions :

Strike out the words "moneys that have been or that may be appropriated to the State Library," and insert "moneys not otherwise appropriated."

Which motion did not prevail.

The question then being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Beach, Buskirk, Davis, Gibson, Hanna, Hay of Clark, Hicks, Holman, King, Lindsay of Howard, Litchfield, McConnell, McDowell, Morris, Nelson, Owen, Porter, Smith of Marion, Spencer, Stover, Struble, Stuart, Sweet, Torbet, Williams, and Withers—26.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Beeson, Behm, Brady, Bryant, Chowning, Cockrum, Cromwell, Dobson, Donham, Douthit, Eccles, Foster, Geddes, Glazebrook, Goudy, Graham, Helmer, Henry, Holliday of Blackford, Hudson, Huffstetter, Hunt, Lavery, Leviston, Lindsey of Fayette, Major, Mayfield, McAllister, Miller, Ray, Reynolds, Schoonover, Shanklin, Smith of Spencer, Staton, Suit, Sumner, Thompson, Walker, Watson, and Mr. Speaker—44.

So the bill did not pass.

#### SENATE BILLS ON THIRD READING.

No. 27. A bill for the relief of persons who are likely to suffer by the destruction of the records and other writings of Clay county,

and to provide for furnishing said county with tract books, lists of canal lands, general and local laws, and decisions of the supreme court, and to provide for the collection and disbursement of revenue, and to authorize the board of county commissioners to meet;

Was read a third time;

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cromwell, Davis, Dobson, Donham, Douthit, Eccles, Foster, Geddes, Gibson, Glazebrook, Goudy, Graham, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holliday of Blackford, Holman, Hudson, Huffstetter, Hunt, King, Lavery, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Williams, Withers, and Mr. Speaker—71.

Mr. Beeson voting in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that they have passed the following resolution:

*Resolved*, That the House of Representatives be respectfully requested to return to the Senate the order and message of the Senate defining the duties of the joint committee on the Arrangement and Phraseology of Bills.

In which the concurrence of the House is respectfully requested.

The foregoing resolution of the Senate was reciprocated by the House.

Ordered that the clerk return to the Senate the order and message referred to.

## HOUSE BILLS ON THIRD READING.

No. 9. A joint resolution in relation to newspaper postage;  
Was read a third time.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cromwell, Davis, Dobson, Donham, Douthit, Eccles, Geddes, Gibson, Glazebrook, Goudy, Hanna, Hay of Clark, Henry, Hicks, Holliday of Blackford, Holman, Hudson, Hufstetter, Hunt, King, Leviston, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Spencer, Spencer, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Torbet, Walker, Watson, Williams, Withers, and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Brady, Foster, Graham, Helmer, Laverty, Scudder, and Smith of Marion—7.

So the joint resolution passed.

Ordered that the clerk inform the Senate thereof.

No. 48. A bill to provide for the sale of county seminaries, and the property belonging thereto, and to transfer the proceeds thereof to the common school fund;

Came up in the orders, and

The question being on ordering the bill to be engrossed for a third reading:

It was decided in the affirmative.

On motion by Mr. Spencer,

The report of Mr. Owen, from the committee on Education, adverse to the application of the fund now held by the State, derived from the sale of lands originally granted to her by the General Government, for the use of a seminary of learning, to that seminary of learning commonly called "The System of Common Schools," in pursuance of the terms of said grant;

Was taken from the table.

The question being on concurring in the report of the committee;  
And the question being put,  
It was decided in the affirmative.

On motion by Mr. Spencer,

The vote concurring in the report of the committee, was reconsidered.

The question then being on concurring in the report of the committee;

Pending which,

On motion by Mr. Behm,

The House adjourned to meet at two o'clock, P. M.

2 o'clock, P. M.

The House met.

The question being on concurring in the report of Mr. Owen, from the committee on Education, pending at the last adjournment,

After considerable debate,

Mr. Holman moved to recommit the report to the committee on Education, with the following instructions:

To provide for the application of the entire fund commonly known as the "University Fund," to the endowment of a "Normal School," in which, under proper restrictions, instruction shall be free to such males and females of this State as desire an education with the view to becoming teachers of "Common Schools," and report by bill.

Mr. Buskirk moved to make the instructions, instructions of enquiry.

Which was accepted.

The report and instructions were then referred to the committee on Education.

The Speaker laid before the House the following communication from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, }  
December 31, 1851. }

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives:*

SIR:—You will please to lay the within communication before the House of Representatives.

Respectfully, yours, &c.,  
JOSEPH A. WRIGHT.

EXECUTIVE DEPARTMENT, }  
 December 31st, 1851. }

*To the House of Representatives:*

FRANCIS KING is authorized to make communications from the Executive Department to the House of Representatives.

JOSEPH A. WRIGHT.

Mr. Dobson moved that the House adjourn.

Mr. Gibson proposed 9 o'clock, on Friday morning.

The question being put on adjourning until 9 o'clock Friday morning,

It was decided in the negative.

The question then recurred on adjourning until to-morrow morning, 9 o'clock;

And being put,

The ayes and noes were demanded by Messrs. Smith, of Spencer, and others.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Cromwell, Davis, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Glazebrook, Graham, Hanna, Hart, Helmer, Henry, Hicks, Holman, Hudson, Huffstetter, Hunt, Kent, Lavery, Leviston, Litchfield, Major, Mayfield, McAllister, McConnell, McDowell, Miller, Nelson, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stevens, Struble, Stuart, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Geddes, Gibson, Goudy, Hay of Clark, Holliday of Blackford, King, Lindsey of Fayette, Linsday of Howard, Morris, Stover, Suit and Sumner—12.

So the House adjourned to meet to-morrow morning, 9 o'clock.

THURSDAY MORNING,  
January 15, 1852. }

The House met.

The Journal of the preceding day was read.

PETITIONS, MEMORIALS, REMONSTRANCES, &C., PRESENTED.

By Mr. Stevens,

A Temperance memorial from sundry citizens of the State.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Manson,

Two Temperance Memorials from the ladies and gentlemen of the State.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Goudy,

A Temperance memorial from sundry citizens of this State,

Which,

On motion,

Was referred to the committee on Temperance.

RESOLUTIONS OF THE HOUSE.

On motion by Mr. Owen,

Messrs. Carpenter and Lewis obtained leave of absence.

Mr. Holman offered the following preamble and resolution:

WHEREAS, In the opinion of this House the subject of Education is at this time one of peculiar interest to the people of Indiana; AND WHEREAS, The address delivered by Professor Read of the State University, on the 30th ult., before the members of the general assembly and other citizens, contains in a condensed form, a large amount of valuable information, touching the organization of a common school system, and the best mode of conducting the same, and other facilities for the diffusion of intelligence amongst the youth of the State, therefore,

*Resolved*, That the Speaker of this House be requested to solicit of Professor Read a copy of said address for publication and that one thousand copies thereof be printed for the use of the members of this House for circulation throughout the State.

The resolution was adopted.

Mr. Cockrum offered the following preamble and resolution :

**WHEREAS**, The amended Constitution requires a majority of all the members elected, to the passage of a bill in either House. **AND WHEREAS**, It has been the practice of both Houses to grant leave of absence without a definite time, which has been the cause to leave the House without a quorum ; and which stops the progress of legislative business, and yet pay has been allowed to such absentees for full time. Therefore, be it

*Resolved*, That the committee on Organization of Courts of Justice be, and they are hereby instructed and requested to so amend the law regulating and defining the duty of legislators, that before a member of either House can have leave of absence, there must be a proper excuse offered, and all absent members shall only draw their per diem pay for the number of days they are in attendance, and discharging their duties as members, sickness excepted, and report by bill or otherwise.

Mr. Dobson moved to amend the resolution by changing its reference to the committee on Fees and Salaries.

Which was accepted.

Mr. Spencer moved to further amend the resolution by making it one of inquiry.

Which motion prevailed.

The question then being on the adoption of the resolution as amended,

The ayes and noes were demanded by Messrs. Withers and Cockrum.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Behm, Brady, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Cromwell, Davis, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Glazebrook, Graham, Hanna, Hart, Henry, Hicks, Holliday of Blackford, Laverty, Leviston, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Walker, Watson, Williams, Withers, and Mr. Speaker—61.



*Those who voted in the negative were,*

Messrs. Barker, Beeson, Bryant, Dice, Geddes, Goudy, Hay of Clark, Helmer, Holman, Hudson, Huffstetter, Hunt, Lindsey of Fayette, McDowell, Torbet, and Wells—16.

So the resolution was adopted.

On motion by Mr. Hanna,

*Resolved*, That the committee on Benevolent and Scientific Institutions inquire whether it would not advance the interests and promote the future welfare of the inmates of the Insane Asylum, by increasing the library both of the male and female departments of said institution.

By the unanimous consent of the House,  
Mr. Stover introduced

No. 11. A joint resolution in relation to a donation of public lands for a geological and topographical survey;  
Which was read a first time, and passed to a second reading.

Mr. Brady, in pursuance of previous notice, obtained leave and introduced

No. 55. A bill in relation to the organization of the Senate and House of Representatives;  
Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 54. A bill concerning deeds and mortgages, their acknowledgment and the fee for recording the same;  
Was read a second time.

Mr. Smith of Marion offered the following amendment:

Insert in the 6th section after the word "mortgage" the words "of the above description".

Add at the end of the 6th section

"And he shall be allowed for all commissioners' deeds, and other deeds of great length, at the rate of 25 cents for the first 100 words,

and 10 cents for each additional 100 words, which fees in all cases shall be paid in advance.

On motion by Mr. Behm,

The bill and pending amendment were referred to the committee on the Judiciary.

#### HOUSE BILLS ON THIRD READING.

No. 48. A bill to provide for the sale of county seminaries and the property belonging thereto, and to transfer the proceeds thereof to the common school fund;

Was read a third time.

Mr. Stuart moved to commit the bill to the Judiciary committee, with instructions:

1st. To inquire into the constitutionality of the several provisions of the bill;

2d. To inquire whether the rights of persons interested as stockholders and subscribers are properly secured, and if not to suggest amendments securing such rights.

Mr. Suit moved to amend the instructions by referring to the Judiciary committee with instructions to inquire whether, in cases where seminary lands have been reserved to seminary trustees *for the use of a county seminary only*, the land does not revert to the original holder;

Which motion prevailed.

Mr. Hudson moved to amend the instructions by adding the following:

Strike out the words "relying upon the fund of such seminaries for reimbursement;"

Which motion did not prevail.

On motion by Mr. Owen,

The instructions were so modified as to make them instructions of inquiry.

Mr. Buskirk moved the following amendment to the instructions:

That no interest shall be allowed on any money advanced for the building, repairing or furnishing of such county seminaries for the purchase of the land upon which they have been built;

Which was accepted.

The bill was committed with the instructions of Mr. Stuart as amended.

No. 52. A bill to abolish the Marion court of common pleas, and to transfer the proceedings and records to the Marion circuit court; Was read a third time.

Mr. Douthit moved to commit the bill to the Judiciary committee, with instructions to inquire if the interest of parties having causes pending in said court are sufficiently provided for in the bill;

Which motion did not prevail.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Baskirk, Chowning, Cockrum, Cowgill, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Eccles, Foster, Geddes, Glazebrook, Goudy, Graham, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Holman, Hudson, Huffstetter, Hunt, Laverty, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Torbet, Watson, Williams, Withers, and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Douthit, and Wells—2.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 10. A joint resolution relating to the harbor at Michigan city.

Was read a third time.

The question being, Shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Glazebrook, Goudy, Graham, Hanna, Hart, Hay of Clark, Hays

of White, Helmer, Henry, Hicks, Holliday of Blackford, Holman, Hudson, Huffstetter, Hunt, King, Lavery, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Watson, Wells, Williams, Withers, and Mr. Speaker—77.

*Those who voted in the negative were,*

Messrs. Manson and McDowell.

So the joint resolution passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Suit from the committee on engrossed bills made the following report:

MR. SPEAKER:

The committee on engrossed bills, have examined joint resolution No. 10, and engrossed House bills Nos. 48 and 52, and find them correct.

On motion by Mr. Hay of Clark,  
The House adjourned to meet to-morrow morning, 9 o'clock.

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FRIDAY MORNING, 9 o'clock, }  
January 2nd, 1852. }

The House met.

The journal of the preceding day was read.

The Speaker laid before the House the following communications:

HOUSE OF REPRESENTATIVES, }  
Indianapolis, January 1st, 1852. }

PROFESSOR READ,  
*Indiana University:*

SIR:—It gives me pleasure to present to you the enclosed resolution *unanimously* adopted by the House of Representatives, and permit me to express the hope that you will at your earliest convenience furnish a copy of your able and interesting address for publication, as desired by the House of Representatives.

I have the honor to be,

Very Respectfully,

Your ob't. Servant,

JOHN W. DAVIS,

*Speaker of the House of Representatives.*

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INDIANAPOLIS, Jan. 1, 1852.

HON. JOHN W. DAVIS,  
*Speaker of the House of Representatives:*

SIR:—In compliance with the request made through the resolutions of the House of Representatives, communicated to me under cover of your polite note of this morning, I have the honor to place at the disposal of the House, a copy of the address delivered by me, on the occasion therein referred to.

The address was designed as an humble contribution to the great cause of Common School Education, and to the intense interest felt on this subject, more than to the merits of the performance itself, I doubt not, is to be attributed such favor as it received.

I beg through you, to tender to the House of Representatives my grateful acknowledgments for the flattering request of that body; and to yourself my thanks for the terms in which you have been pleased to express to me that request.

I am, very respectfully,

Your obedient servant,

DANIEL READ.

PETITIONS AND MEMORIALS PRESENTED.

By Mr. Bryant:

The petition of B. F. Gregory and others, for the incorporation of a company for the arrest of horse thieves.

Which,

On motion,

Was referred to the committee on corporations.

By Mr. Hanna:

A temperance memorial from sundry ladies of the State.

Which,

On motion,

Was referred to the committee on temperance.

By Mr. Porter:

The petition of sundry citizens of Ohio and Switzerland counties, praying the abolition of the grand jury system.

Which,

On motion,

Was referred to the committee on the organization of courts of justice.

By Mr. McConnell:

The petition of A. W. Hendry, and others, in reference to toll taken by millers for grinding grain.

Which,

On motion,

Was referred to the committee on agriculture.

By Mr. Stevens:

The memorial of 432 gentlemen, and 285 ladies, on the subject of temperance.

Which,

On motion,

Was referred to the committee on temperance.

By Mr. Watson:

The memorial of sundry citizens of the State of Indiana, on the subject of temperance.

Which,

On motion,

Was referred to the committee on temperance.

By Mr. Hays of White:

Two temperance memorials from sundry ladies and gentlemen of this State.

Which,

On motion,

Were referred to the committee on temperance.

A message from the Senate by Mr. Dunn, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has receded from its engrossed amendment to House bill No. 6, entitled "An act to provide for the appointment of commissioners to revise and simplify the practice and pleadings of courts of justice."

## REPORTS FROM COMMITTEES.

Mr. Stuart, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 21, "A bill to limit the number of grand jurors, and to point out the mode of their selection, and repealing all laws inconsistent with this act," have had the same under consideration, and made several amendments thereto, in which the concurrence of the House is respectfully requested; and when so amended, a majority of said committee respectfully recommend the passage of the bill.

Amend as follows:

Insert after the words "grand jurors," in the proviso to the 4th section, the following words: "From among the justices of the peace qualified to act as jurors."

Add the following additional proviso to the 4th section:

"And *Provided, further*, That no justice shall sit during the examination of any case which he may have before examined as a committing magistrate."

Add the following proviso to the 5th section:

"*Provided*, That no challenge to the array, nor plea in abatement, or other objection for any irregularity or informality in the selection of such grand jury, shall be allowed."

The report was concurred in.

Mr. Stover offered the following amendment to the bill contained in the foregoing report:

Insert after the 5th section,

SEC. 6. Crimes which may be punished with death, or with imprisonment in the States' prison, shall be denominated felonies. All other offences against the criminal law shall be denominated misdemeanors.

SEC. 7. The grand jury shall have cognizance of felonies only; but on an indictment for an assault and battery, with intent to commit a felony, the defendant may be convicted of the lesser offence.

On motion by Mr. Stuart,

The amendment was laid on the table.

Mr. Beeson moved to lay the bill on the table.

Which motion did not prevail.

Mr. King moved to amend the bill by striking out the words "*Justices of the Peace*," wherever they occur.

The question being put,

The ayes and noes were demanded by Messrs. Stuart and Smith of Spencer;

*Those who voted in the affirmative were,*

Messrs. Barker, Behm, Bryant, Bulla, Buskirk, Chowning, Cowgill, Cromwell, Davis, Donaldson, Donham, Doughty, Douthit, Foster, Gibson, Glazebrook, Hart, Hay of Clark, Helmer, Hicks, Holliday of Blackford, Hudson, Humphreys, Hunt, King, Lavery, Lawrence, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McConnell, McAllister, McDowell, Morris, Owen, Ray, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Sweet, Thompson, Walker, Wells, Withers, and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Beeson, Brady, Cockrum, Crawford, Dice, Dobson, Eccles, English, Geddes, Goudy, Graham, Hanna, Hays of White, Henry, Huey, Huffstetter, Leviston, Lindsey of Fayette, Nelson, Porter, Reynolds, Scudder, Stanfield, Stuart, Suit, Sumner, Watson, Williams, and Wilson—31.

So the words "justices of the peace" were stricken out of the bill.

Mr. Shanklin moved to amend the bill by striking out "six" and inserting "ten."

Which.

After considerable debate, was withdrawn.

On motion by Mr. King,

The bill was recommitted to the committee on the Judiciary, with instructions to fill the blank by selecting "householders" or "freeholders."

Mr. Stuart, chairman of the committee on the organization of courts of justice, made the following report:

MR. SPEAKER:

The committee on the organization of courts of justice, have instructed me to report the following bill making some general pro-



visions concerning courts and judicial officers, and respectfully recommend its passage:

No. 56. A bill making general provisions concerning courts of justice, and the powers and duties of judicial officers.

Which was read a first time and passed to a second reading.

Mr. Owen, from a committee on free conference, made the following report:

MR. SPEAKER:

The committee of conference, to whom was referred bill of the House No. 6, to provide for the appointment of commissioners to revise and simplify the practice and pleadings of courts of justice, have had that subject under consideration, and have failed to agree on any report.

Mr. Doughty, from a select committee, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill

No. 23. A bill to compute interest annually upon notes or other obligations made payable to executors, administrators and guardians,

Have had the same under consideration and have directed me to report it back to the House without amendment, and recommend its passage.

The bill contained in the foregoing report was ordered to be engrossed.

Mr. Beach offered the following resolution:

*Resolved*, That the Senate be respectfully requested to return to this House, House bill No. 42.

Which,

On motion by Mr. Lindsay of Howard,

Was laid on the table.

On motion by Mr. English,

*Resolved*, That the committee on Ways and Means, inquire into the expediency of reducing the rate of taxation to an amount not to exceed three-fourths of the rate fixed by the law of last session, and, in the event of such rate not raising sufficient revenue to meet the demands against the State, that the deficiency be made up out of the estimated \$100,000 surplus in the State Treasury.

Mr. Smith of Marion offered the following resolution:

*Resolved*, That the House will, the Senate concurring therein, proceed on Monday next at 10 o'clock A. M., to elect three commissioners to revise, simplify, and abridge the rules, practice, pleadings, and forms of courts of justice.

On motion by Mr. Beach.

The resolution was amended by striking out Monday next at 10 o'clock, A. M., and inserting Saturday next at 2 o'clock, P. M.

The resolution as amended was then adopted.

On motion by Mr. Dobson,

*Resolved*, That the committee on the Organization of Courts be instructed to report a bill for the election of county boards, at their earliest convenience.

Mr. Ray offered the following resolution:

*Resolved*, That the committee on the Judiciary inquire into the expediency to report by bill during the present session of the Legislature, a revised law of descents, embodying the following provisions:

1st. Tenancies by courtesy and dower shall be abolished.

2d. If a husband die either testate or intestate, one-third of real and personal property shall descend to his widow, after the payment of all just debts: *Provided*, That at the death of her husband, she shall be entitled to select of the personal property the sum of one hundred and fifty dollars for which she shall not be required to account in any manner whatever.

3d. If a wife die either testate or intestate, one-third of her real personal estate shall descend to her widower, subject to the debts of the wife contracted before marriage.

4th. If a husband die, leaving a wife and one child only, the real and personal estate, after the payment of debts shall descend to the widow and child share and share alike.

5th. If a husband or wife die intestate, leaving no children, but leaving a father and mother, or either of them, then his or her real and personal property shall descend, three-fourths to the widow or widower, and one-fourth to the father and mother as joint tenants, or to the survivor as the case may be.

6th. If a husband or wife die intestate, leaving no children, or father or mother, the whole of his or her property real and personal shall descend to the survivor.

7th. A surviving wife shall be entitled to one-third of all real estate of which her husband may have been seized at any time during their marriage, and in the conveyance of which she shall not have joined:

*Provided however*, That if the husband have left a will, the wife may elect to take under the will instead of this and the foregoing provisions of this act.

8th. If after the settlement of a deceased husband's or wife's estate, a part of the purchase money of any lands of which he or she may have been seized, either legally or equitably, at any time during marriage, shall remain unpaid, the right of the survivor to one-third of said estate as hereinbefore provided, shall be subject to the payment of all demands against the same.

9th. The surviving wife shall in all cases be allowed to remain in the ordinary dwelling-house of the family and to occupy the same and the messuage with the appurtenances and fields adjacent, if any, not exceeding in all forty acres, free of all rent for the term of one year from and after the death of her husband.

On motion by Mr. Gibson,

The resolution was amended by making it one of inquiry instead of imperative.

The resolution, as amended, was adopted.

On motion by Mr. Behm,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of modifying or abolishing the office of Agent of State as at present constituted, and provide for substituting in lieu thereof, if deemed practicable, a special agency, so as to diminish the present enormous expenses of said agency, and that they report by bill or otherwise.

Mr. Holliday of Blackford, under the rule, gave notice of a motion for leave to introduce a bill relative to railroad companies.

A message from the Senate by Mr. Dunn their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that they have passed the following resolution :

*Resolved*, That the Senate will, the House concurring, proceed on Monday next, at 2 o'clock, P. M., to the election of three commissioners to revise, simplify and abridge the rules, practice, pleadings, and forms of the courts of justice.

In which the concurrence of the House is respectfully requested.

The above message was reciprocated by the House.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representa-

tives that the Senate have passed the following engrossed joint resolution thereof :

No. 41. A joint resolution in relation to Smith O'Brien, Thomas F. Meagher, John Mitchell, and their immediate associates.

In which the concurrence of the House is respectfully requested.

The joint resolution contained in the foregoing message was read a first time and passed to a second reading.

Mr. Buskirk moved to reconsider the vote on the adoption of the following resolution, offered by Mr. Smith :

*Resolved*, That the House will, the Senate concurring therein, proceed on to-morrow, at 2 o'clock, P. M., to elect three commissioners to revise, simplify and abridge the rules, practice, pleadings and forms of courts of justice.

Which motion prevailed.

The question then being on the adoption of the resolution,  
Was decided in the negative.

By the unanimous consent of the House,  
Mr. Brady introduced

No. 12. A joint resolution in relation to patents ;  
Which was read a first time and passed to a second reading.

By the unanimous consent of the House,  
Mr. Glazebrook offered the following resolution :

*Resolved*, That the committee on Ways and Means be instructed to report to this House a bill for a uniform mode of doing county business, by three commissioners in each county.

On motion by Mr. Buskirk,

The resolution was amended by changing its reference to the committee on Organization of Courts of Justice.

The resolution, as amended, was adopted.

By unanimous consent of the House,  
Mr. Smith of Marion introduced

No. 57. A bill to change the name of the town of Bellefontaine, in Marion county, to that of Vertland.

Which was read a first time and passed to a second reading.

## ORDERS OF THE DAY.

*House Bills on Second Reading.*

No. 55. A bill in relation to the organization of the Senate and House of Representatives.

Was read a second time.

Mr. Brady moved to amend the 2d section of the bill by inserting "one assistant secretary and three assistant door-keepers."

Also, amend the 4th section by inserting "one assistant clerk and four assistant door-keepers."

Which motion prevailed.

On motion by Mr. Gibson,

The bill was referred to the committee on the Organization of Courts of Justice.

No. 11. A joint resolution in relation to a donation of public lands for a geological and topographical survey.

Was read a second time and ordered to be engrossed.

Mr. Behm, from the committee on Enrolled Bills, made the following report:

**MR. SPEAKER:**

The committee on Enrolled Bills have examined and compared the accompanying bill, and have directed me to report that the enrolled copy thereof is correct.

Whereupon the Speaker signed the same.

Ordered that the Senate be informed thereof.

Mr. Doughty moved that the House adjourn.

Nine o'clock was suggested.

The question then being on adjourning until nine o'clock to-morrow morning,

It was decided in the affirmative.

SATURDAY MORNING, 9 o'clock, }  
January 3, 1852. }

The House met.

The Journal of the preceding day was read.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Hay of Clark ;

The temperance memorial of 156 gentlemen of this State.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Hanna ;

The petition of sundry citizens of Carroll county, relative to a plank road through said county.

Which,

On motion,

Was referred to the committee on Roads.

By Mr. Morris ;

The temperance memorial of sundry citizens of this State.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Hunt ;

The Temperance memorial of sundry children ;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Beane ;

The petition of sundry citizens of Elkhart county relative to common schools, &c.;

Which,

On motion,

Was referred to the committee on Education.

By Mr. Porter ;

The temperance memorial of sundry ladies of Switzerland county.

Which,

On motion,

Was referred to the committee on Temperance.

## REPORTS FROM COMMITTEES.

Mr. Huffstetter, chairman of the committee on Roads, made the following report:

MR. SPEAKER:

The standing committee on Roads having been required by sundry resolutions of the House, to prepare and report at as early a day as convenient a general road law, herewith present a bill in discharge of the duty assigned them.

The committee have learned in the progress of their labors, not only the importance but the difficulty of their task. The adaptation of a general law upon this subject to the provisions of the present constitution, and a practicable and just disposition of the powers necessary to be given, in order to make it operative, have caused your committee much perplexity, more particularly that portion which confers upon the several county boards, not only legislative, but other discretionary and obligatory powers. It is believed however, that all the powers given in the bill herewith presented, will be prudently exercised by the authorities invested with the same, according to the different interests and requirements in different localities.

The newly settled portions of the State will necessarily require a more liberal exercise of the privileges authorized by this bill, from the fact that time and means within their control, have not been sufficient to enable them to open up the thoroughfares necessary to market their surplus produce, and to insure the advantages of social intercourse between citizens residing within trumpet sound of each other; even the country school house in some places is reached with difficulty, and access to the neighborhood house of worship a pilgrimage of no ordinary toil.

The discretionary power given to the county boards in the assessment of taxes for road purposes, are carefully guarded and limited, so also the right given to districts in particular cases to assess a tax for such district by a vote of the inhabitants.

There are many new provisions in the bill now reported there are also many sections of the old law copied entire, and many with slight, and others with material alterations; all of which the house will of right scrutinize, and remedy the imperfections.

The committee do not hope that they have provided for every contingency, nor do they expect to meet the wishes and differing views of the house, and more particularly have they found it impracticable in a general law, to provide for particular cases as they have been required to do by resolution. It is believed however, that

the bill contains all the essential principles with their details necessary to make it efficient and available.

No. 58. A bill providing for laying out, opening, working on, changing and vacating highways, the erection of bridges, the officers entrusted with the care and superintendence of highways and bridges, of the election or appointment and duties of supervisors, and other miscellaneous provisions relating to highways.

Which was read a first time and passed to a second reading.

Mr. Suit moved to suspend the rule and read the bill a second time now by its title.

And the question being put,

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Donaldson, Doughty, Douthit, Eccles, English, Foster, Geddes, Glazebrook, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lewis, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McConnell, Morris, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—71.

*Those who voted in the negative were,*

Messrs. Lavery, McDowell, and Stover—3.

So the rule was suspended and the bill read a second time by its title.

On motion by Mr. Suit,

The bill was laid on the table and 150 copies thereof ordered to be printed.

Mr. Leviston, chairman of the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, who were instructed by a resolution of the House to report a bill providing for the incorporation of railroad companies, have had that subject under consideration,



and have directed me to report the following bill, and respectfully recommend its passage:

No. 59. A bill to provide for the incorporation of railroad companies;

Which was read a first time and passed to a second reading.

Mr. Owen moved to suspend the rule and read the bill a second time now by its title:

And the question being put,

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Cromwell, Davis, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Goudy, Graham, Hart, Hay of Clark, Helmer, Henry, Hicks, Holliday of Blackford, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Manson, Mayfield, McAllister, McConnell, Morris, Nelson, Owen, Porter, Ray, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—72.

No person voting in the negative.

So the rule was suspended and the bill read a second time by its title.

On motion by Mr. Owen,

The bill was laid on the table and 150 copies thereof ordered to be printed.

A message from the Governor, by Mr. King, executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has this day approved and signed the following bills, to-wit:

No. 33. An act to abolish the Tippecanoe court of common pleas, to provide for the trial of causes pending therein, and to regulate all proceedings in reference to the records, judgments, orders, and decrees thereof.

No. 5. An act to authorize masters in chancery, probate judges, and clerks of the circuit courts to issue writs of habeas corpus, and to try cases arising under such writs, and to award injunctions and

writs of *ne exeat*, and regulating appeals in such cases, and providing for their compensation for said services.

No. 25. An act to provide for the publishing the acts and joint resolutions of the General Assembly.

No. 13. An act to authorize the Grand Lodge of Free Masons of the State of Indiana to erect and maintain a monument on the battle ground of Tippecanoe.

No. 36. An act to authorize the Governor of this State to engage the services of a clerk to examine the maps and lists of the swamp lands granted by the General Government to this State, and fixing the compensation of said clerk.

All of which originated in the House of Representatives.

By request,

Mr. Brady moved that the State temperance convention have the use of this Hall on Wednesday next.

Which motion did not prevail.

Mr. Stuart, chairman of the committee on Organization of Courts of Justice, made the following report:

**MR. SPEAKER:**

The committee on the Organization of Courts, to whom was referred House bill No. 55, have had the same under consideration, and have directed me to respectfully report that it is inexpedient and perhaps unconstitutional to legislate on the subject matter of the bill.

Respect for the source whence the bill emanated, seems to require a brief statement of the reasons which conducted the committee unanimously to the above conclusion.

Two sections of the bill, the 1st and 3d, relate to the organization of the Senate and House; the 2d and 4th sections to the number of secretaries, clerks, door-keepers, &c., to be elected by the two Houses respectively.

First, as to the organization of the Senate for the transaction of business. It will be seen at a glance that the Lieutenant Governor, being *ex officio* President of the Senate for four years, is fully empowered, after being sworn into office, to call the Senate to order, and preside in the further organization of that body. So that no enactment on that subject is necessary. But if the exercise of such an obvious right and duty were at all doubtful, it is conceded that the 10th section of the 4th article of the Constitution must remove that doubt. That section reads as follows, viz:

"Each house, when assembled, shall choose its own officers, (the President of the Senate excepted,) judge the elections, qualifications, and returns of its own members, determine its rules of proceeding, &c."

Your committee cannot conceive how any law could make the powers and duties of the Senate more clear than they are here laid down. And it is further respectfully submitted whether the power of the Senate, in the matter and manner of its own organization, is not entirely and exclusively vested in that body. If the Legislature could prescribe by law the mode of organization to be pursued by the Senate, would the Legislature not have an equal right to prescribe rules to govern the Senate in regard to the election and qualification of its own members? And yet the latter claim, so glaringly absurd and inconsistent with the constitutional provision, is not more so than the power assumed in the bill in question.

The committee have, therefore, no difficulty in at once concluding that, as to the Senate, the first section of the bill is alike inexpedient and unconstitutional.

The same course of reasoning that conducted them to this plain conclusion as to the Senate, leads inevitably to a similar conclusion as to the House. So that the third section shares the same fate as the first.

The second and fourth sections relate to the election of the inferior officers of the two Houses, limiting the number of each, and thus attempting to control the powers and action of subsequent Legislatures. It seems almost needless to remark, that in the very nature of things, independent of any legal or constitutional provision, we cannot rightfully exercise such a power. That each successive Legislature is in itself supreme during the period of its existence, is an axiom so plain to the commonest understanding, so self-evident, that it no more admits of argument than does the proposition that two and two are four. Besides, what know we of the exigencies of the next Legislature; whether they will have one, two or ten impeachments to try; and whether they will need, one, two or ten officers? And by what right, or with what grace, do we presume to dictate to them in a matter so obviously their own?

But it is conceived that the first line of the said tenth section, viz: "Each House, when assembled, shall choose its own officers," ought to admonish us of the extent of their powers and duties, as well as of our own. Surely, if there is any power and discretion given to the two Houses in plain and absolute terms, it is the right to elect such officers, in such numbers and in such manner as they may respectively think proper.

Your committee, therefore, respectfully recommend the indefinite postponement of the bill, and that they be discharged from the further consideration of the subject.

The above report was concurred in, and the bill indefinitely postponed.

Mr. Stuart, chairman of the committee on Organization of Courts of Justice, made the following report:

Mr. SPEAKER :

The committee on the Organization of Courts, to whom was re-committed House bill No. 21, with instructions to make the grand jury consist of freeholders, have had the same under consideration, and have worded the bill agreeably to said instructions, which they now return to the House with the following amendments, and respectfully ask to be discharged from the further consideration of the subject.

Insert after the word "of," in section two, the words "twenty-four freeholders."

Add to the close of section 2d, the words "selecting such names equally as near as may be from each township in the county."

Add the following proviso to the 5th section:

*Provided*, That no challenge to the array nor plea in abatement or other objection for any irregularity or informality in the selection of such grand jury shall be allowed.

Which report was not concurred in.

Mr. Beach moved to reconsider the vote by which the House refused to concur in the amendments reported by the committee.

On motion by Mr. Smith of Spencer,

The bill was made the special order of the day for Thursday next.

On motion by Mr. Smith of Marion,

The vote of the House making the bill the special order of the day for Thursday next, was reconsidered.

The question then being on making the bill the special order,

It was decided in the negative.

The question recurred on the motion of Mr. Beach to reconsider the vote by which the House refused to concur in the amendments proposed by the committee.

And the question being put,

It was decided in the affirmative.

On motion by Mr. Graham,

The first amendment reported by the committee was amended by adding the words "or householders."

The question then being on the adoption of the amendments proposed by the committee,

The ayes and noes were demanded by Messrs. Stuart and Smith of Spencer.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bulla, Buskirk, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glaze-

brook, Goudy, Graham, Gunn, Hart, Hay of Clark, Hays of White, Helmer, Holliday of Blackford, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lewis, Linsday of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDowell, Morris, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Stuart, Struble, Suit, Sumner, Sweet, Thompson, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—74.

*Those who voted in the negative were,*

Messrs. Beeson, Bryant, Chowning, Cockrum, Henry, Hicks, Nelson, and Walker—8.

So the amendments were adopted.

Mr. Hudson moved to amend the bill by striking out from the enacting clause and inserting the following :

SEC. 1. That a grand jury shall consist of ten members, all of whom shall be respectable freeholders or householders of the proper county, and taxable therein.

SEC. 2. The board of commissioners in each county, at their first regular session in each year, shall select from the tax duplicate of the preceding year the names of thirty persons having the requisite qualifications, which shall be written on separate ballots, and placed in a box prepared for that purpose.

SEC. 3. The names so selected shall be divided equally, as nearly as possible, among the civil townships of the county.

SEC. 4. The clerk of the circuit court, in the presence of said board, shall draw by lot from said box the names of ten persons to serve as grand jurors.

SEC. 5. In drawing said jurors, not more than one shall be selected from the said township, if there be so many in the county, and if not, at least one shall be drawn from each township, after which the clerk shall continue to draw, observing the same rule, until the panel is filled.

SEC. 6. The auditor shall record among the records of the board of commissioners, the names of the persons so drawn, and shall deliver a certificate thereof to the clerk of the circuit court, who shall record the same on the order book of said court, and the persons so drawn shall compose the panel of grand jurors for the first term of the circuit court, and said clerk shall issue a venire to the sheriff accordingly.

SEC. 7. A panel of grand jurors shall be separately selected at the same time and in the same manner, for each term of the circuit

court to be held in one year, but the same person shall not be selected for any two terms in the same year.

SEC. 8. If the board of commissioners shall fail to select the grand jurors at their first annual session, they shall select them at the next, or any other session.

SEC. 9. All grand jurors shall be summoned to attend on the first day of the term for which they are selected, and shall have at least ten days' notice thereof, and for non-attendance may be attached and fined, as for a contempt, not exceeding three dollars.

SEC. 10. A panel of grand jurors may be filled, in whole or in part, when necessary by summoning the requisite number of freeholders or householders of the proper county, under the direction of the court, who shall, in the discretion of the court, be selected from persons residing in the several townships, unless, in consequence of delay in filling the panel, or for other satisfactory reasons, the court shall otherwise direct.

SEC. 11. No challenge to the array of any grand jury shall be allowed.

SEC. 12. No plea in abatement or other objection shall be taken to any grand jury duly charged and sworn, for any alleged irregularity in their selection.

SEC. 13. Crimes may be punished with death, or with imprisonment in the State's Prison, shall be denominated felonies. All other offences against the criminal law shall be denominated misdemeanors.

SEC. 14. The grand jury shall have cognizance of felonies only, but on an indictment for an assault, or an assault and battery, with intent to commit a felony, the defendant may be convicted of the lesser offence.

SEC. 15. A concurrence of grand jurors shall be necessary to find an indictment.

Mr. English moved to amend by striking out "10," and inserting "6."

Which was accepted.

Mr. Smith of Spencer moved to amend the original bill as follows:

All cases before grand juries shall be public, and no indictment shall be preferred against any individual, without giving the person so charged notice.

Mr. Beach moved to lay the amendment of Mr. Smith of Spencer, on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Smith of S., and Suit.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice,

Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Glazebrook, Goudy, Graham, Gunn, Hart, Hay of Clark, Helmer, Henry, Hudson, Huffstetter, Hunt, King, Lavery, Lawrence, Leviston, Lindsay of Howard, Litchfield, Mayfield, McAllister, McConnell, Nelson, Owen, Ray, Reynolds, Scudder, Shanklin, Stanfield, Staton, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Watson, Wells, Wilson, Withers, and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Beeson, English, Hays of White, Hicks, Holliday of Blackford, Huey, Humphreys, Lewis, Major, Manson, McDowell, Morris, Porter, Schoonover, Smith of Marion, Smith of Spencer, Struble, and Walker—18.

So the amendment was laid on the table.

Mr. Stuart moved to lay the amendment of Mr. Hudson on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Stuart and Smith of Spencer.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Bryant, Bulla, Buskirk, Cromwell, Dobson, Eccles, Gibson, Hays of White, Helmer, Henry, Holliday of Blackford, Huffstetter, Leviston, Mayfield, McConnell, McDowell, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Stevens, Stuart, and Thompson—28.

*Those who voted in the negative were,*

Messrs. Behm, Brady, Chowning, Cockrum, Cowgill, Crawford, Davis, Dice, Donaldson, Doughty, Douthit, English, Foster, Geddes, Glazebrook, Goudy, Graham, Gunn, Hart, Hay of Clark, Hicks, Hudson, Huey, Humphreys, Hunt, King, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, McAllister, Morris, Nelson, Porter, Schoonover, Smith of Spencer, Stanfield, Staton, Stover, Struble, Suit, Sumner, Sweet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—52.

So the amendment proposed by Mr. Hudson was not laid on the table.

On motion by Mr. Behm,

The bill and pending amendment were postponed until Tuesday next, and made the special order of the day at 2 o'clock, P. M.

## RESOLUTIONS OF THE HOUSE.

Mr. Graham offered the following resolution :

*Resolved*, That the committee on Ways and Means be instructed to enquire into the expediency of exempting the land in the Vincennes land district, sold by the State, from taxation for five years from and after the entry.

Which was not adopted.

On motion by Mr. King,

*Resolved*, That the use of this Hall, on Monday night, 5th inst., be granted to Doctor R. B. Holland, for the delivery of a free public lecture on Phrenology.

On motion by Mr. Stuart,

*Resolved*, That a select committee of one from each judicial circuit be appointed, whose duty it shall be to enquire into the expediency of establishing a system of free or general banking, and report by bill or otherwise.

The Speaker appointed the following gentlemen said committee, viz:

8th Judicial Circuit, Mr. Stuart;  
 1st Judicial Circuit, Mr. Suit;  
 2nd Judicial Circuit, Mr. English;  
 3rd Judicial Circuit, Mr. King;  
 4th Judicial Circuit, Mr. R. Dale Owen;  
 5th Judicial Circuit, Mr. Beach;  
 6th Judicial Circuit, Mr. Beeson;  
 7th Judicial Circuit, Mr. Hudson;  
 9th Judicial Circuit, Mr. Stanfield;  
 10th Judicial Circuit, Mr. Dobson;  
 11th Judicial Circuit, Mr. Reynolds;  
 12th Judicial Circuit, Mr. Nelson;  
 13th Judicial Circuit, Mr. Hart.

A message from the Senate by Mr. Dunn their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the President has signed the following enrolled bills of the



Senate, Nos. 22, 30 and 34, which I am directed to bring to the House for the signature of the Speaker thereof.

Whereupon the Speaker signed the same.

Ordered,

That the same be delivered to the joint committee on enrolled bills.

Mr. Smith of Marion, Chairman of the committee on enrolled bills, made the following report:

**MR. SPEAKER :**

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the House of the corresponding number, and find the same to be correctly enrolled.

No. 6. An act to provide for the appointment of Commissioners to revise and simplify the practice and pleadings of courts of justice.

Whereupon the Speaker signed the same.

Ordered,

That the Senate be informed thereof.

Mr. Wilson from the committee on Engrossed Bills, made the following report:

**MR. SPEAKER:**

The committee on Engrossed Bills have examined House bill No. 23, and Joint resolution No. 11, and find them correctly engrossed.

On motion by Mr. Withers,

The House adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

The House met.

A message from the Senate by Mr. Dunn their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill thereof:

No. 36. An act for the relief of purchasers of school lands where no record has been made of the appraisement as required by any previous law, and the confirmation of titles to lands previously sold, and prescribing the duties of county auditor in relation thereto.

In which the concurrence of the House is respectfully requested.

The bill contained in the foregoing message was read a first time and passed to a second reading.

On motion by Mr. English,

*Resolved*, That the Judiciary committee be instructed to inquire whether any further legislation is necessary to secure and protect the interest of the State in the Madison and Indianapolis railroad, and if so that they report a bill for that purpose.

On motion by Mr. Doughty,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of passing an act making it obligatory on parents, guardians and others, who may have children under their care, to send them to school a certain number of years.

On motion by Mr. Stevens,

*Resolved*, That the committee on the Judiciary be requested to inquire into the expediency of constituting a council, to be composed of the Secretary, Treasurer and Auditor of State, to advise with the Governor on all petitions for commutations and pardons of persons who have been convicted of crime.

The following protest by Mr. Hicks was ordered to be entered, viz :

The undersigned protests against a joint resolution in favor of the Hungarian Patriots,—this protest is made from no want of sympathy with the people of Hungary, or from no want of respect and welcome for Kossuth—for the votes of the undersigned attest the contrary.

The House of Representatives unanimously adopted joint resolutions of sympathy and welcome for the Hungarian Patriots, for which the undersigned cordially voted. The Senate suppressed the said House joint resolutions. The suppression of the House resolutions by the Senate and the substitution of other resolutions of the same tenor on the same subject, was deemed by the undersigned a violation of the respect and courtesy due the House, or an equal co-

ordinate branch of the Legislature. The undersigned deemed the passage of the said Senate joint resolutions by the House, would be under the circumstances, an acquiescence by the House in an evasion of its dignity, and sanction of the discourtesy towards it.

For the said reasons the undersigned voted against the passage of the said Senate joint resolutions, and now dissents from the action of the House and enters this protest on the Journal.

E. P. HICKS.

Mr. Holliday of Blackford in pursuance of previous notice, obtained leave and introduced,

No. 60. A bill to empower Railroad Companies to receive lands, lots and other property in subscription of stock;

Which was read a first time, and passed to a second reading.

Mr. Eccles by unanimous consent of the House, introduced,

No. 61. A bill to prevent the destruction of stock by running locomotives and cars upon railroads;

Which was read a first time, and passed to a second reading.

Mr. Stuart by unanimous consent of the House, introduced,

No. 62. A bill for the limitation of civil actions;

Which was read a first time, and passed to a second reading.

Mr. Stuart moved to suspend the rule, and read the bill a second time now by its title.

And the question being put:

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Glazebrook, Goudy, Graham, Gunn, Hanna, Hay of Clark, Helmer, Henry, Hicks, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, Morris, Nelson, Reynolds, Schoonover, Smith of Marion, Stanfield, Staton, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Walker, Williams, Wilson, Withers, and Mr. Speaker—66.

*Those who voted in the negative were,*

Messrs. Beeson, English, Hart, King, McDowell, Scudder, Shanklin, Smith of Spencer, Stover, Watson and Wells—11.

So the rule was suspended, and the bill read a second time by its title.

On motion by Mr. Stuart,

The bill was referred to the committee on the Judiciary, and 100 copies thereof ordered to be printed.

By unanimous consent of the House,

Mr. Brady offered the following resolution :

*Resolved*, That the standing committee on the State Library be directed to inquire into the propriety of extending the privileges of the Library to the Superintendent of the Insane Hospital, for his own use and those of the patients who desire to read, and report by bill or otherwise.

Which was adopted.

By unanimous consent of the House,

Mr. Walker presented the petition of sundry citizens of Perry and Spencer counties, relative to the expediency of forming a new county from said counties ;

Which,

On motion,

Was referred to a select committee consisting of Messrs. Walker, Smith of Spencer, and Barker.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 56. A bill making general provisions concerning courts of justice, and the powers and duties of judicial officers, embracing the following matters connected therewith ;

Was announced by the Speaker; when

Mr. Gibson moved to suspend the rule, and read the bill a second time by its title ;

And the question being put :

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Beeson, Bryant, Bulla, Buskirk, Chowning,

Cowgill, Cromwell, Davis, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Hudson, Huey, Huffstetter, Humphreys, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, Morris, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Walker, Williams, Wilson, Withers and Mr. Speaker.—67.

*Those who voted in the negative were,*

Messrs. Brady, Cockrum, Crawford, Hart, McDowell, Porter, Thompson, Watson, and Wells—9.

So the rule was suspended, and the bill was read a second time by its title, and ordered to be engrossed.

No. 57. A bill to change the name of the town of Bellefontaine in Marion county to that of Vertland;  
Was read a second time.

On motion by Mr. Suit,  
The bill was referred to the committee on the Judiciary.

No. 12. A joint resolution in relation to patents.  
Was read a second time.

On motion by Mr. Gibson,  
The joint resolution was laid on the table.

#### SENATE BILLS ON SECOND READING.

No. 41. A joint resolution in relation to Smith O'Brien, Thomas F. Magher, John Mitchell, and their immediate associates.  
Was read a second time.

On motion by Mr. Smith of Marion,  
The joint resolution was laid on the table.

#### HOUSE BILLS ON THIRD READING.

No. 23. A bill to compute interest annually upon notes or other obligations made payable to executors, administrators, and guardians.  
Was read a third time.

On motion by Mr. Schoonover,  
The bill was laid upon the table.

No. 11. A joint resolution in relation to a donation of public lands for a geological and topographical survey.  
Was read a third time.

The question being, Shall the resolution pass?

*Those voting in the affirmative were,*

Messrs. Barker, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Geddes, Gibson, Glazebrook, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Hudson, Huey, Humphreys, Huffstetter, Hunt, King, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDowell, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Stuart, Struble, Suit, Sumner, Sweet, Thompson, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—77.

Mr. Behm voted in the negative.

So the joint resolution passed.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed joint resolution of the House, as follows:

No. 8. Joint resolution relative to William Smith O'Brien and others.

A message from the Senate by Mr. Dunn, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House, with the accompanying engrossed amendment thereto, to-wit:

No. 31. An act to regulate visiting the Indiana Hospital for the Insane.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Hay of Clark,

The bill and engrossed amendments of the Senate thereto were referred to the committee on benevolent and Scientific Institutions.

Mr. Stevens moved to reconsider the vote by which the House refused to grant the use of this Hall to the State temperance convention on Wednesday next.

Which motion did not prevail.

On motion by Mr. Brady,

Joint resolution No. 12. A joint resolution in relation to patents, Was taken from the table.

On motion by Mr. Brady,

The joint resolution was amended by adding in the proper place the word "prohibited."

The joint resolution was ordered to be engrossed.

On motion by Mr. Buskirk,

Mr. Torbet obtained leave of absence.

On motion by Mr. Nelson,

The House adjourned to meet on Monday morning, 9 o'clock.

MONDAY MORNING, }  
January 5, 1852. }

The House met.

The journal of the preceeding day was read.

#### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Gunn,

Two memorials on the subject of temperance, from sundry ladies and gentlemen of this State ;

Which,

On motion,

Was referred to the committee on temperance.

By Mr. McConnell,

The petition of sundry citizens of Steuben county, praying the alteration of a State road in said county ;

Which,

On motion,

Was referred to the committee on Roads.

By Mr. Morris,

Two memorials on the subject of temperance from sundry ladies and gentlemen of Henry county ;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Wilson,

Three petitions from sundry citizens of Randolph and Jay counties, in reference to a free turnpike road ;

Which,

On motion,

Was referred to the committee on Roads.

By Mr. Huey,

A petition from sundry citizens of Jay county asking the modification of the grand jury system ;

Which,

On motion,

Was referred to the committee on the Organization of Courts of Justice.

By Mr. Porter,

A memorial from sundry citizens of the State of Indiana, on the subject of temperance.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Davis :

A memorial from sundry females of the State of Indiana, in reference to the subject of temperance.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Kent:

A petition from sundry citizens of New Albany, in reference to a more equal taxation within the corporate limits of said city ;

Which,

On motion,

Was referred to the committee on Corporations.

By Mr. Hays of White :

The temperance memorial of sundry citizens of this State ;

Which,

On motion,

Was referred to the committee on Temperance.



## REPORTS FROM COMMITTEES.

Mr. Smith of Spencer, from the committee on Military Affairs, made the following report:

**MR. SPEAKER:**

The committee on Military Affairs, to whom was referred a resolution of the House of Representatives instructing them to report a bill to encourage voluntary enrollment and the formation of volunteer corps, and to change the compulsory into a voluntary militia system, have had that matter under consideration, and have directed me to say there is an act of 1844 that fully comprehends all said resolution prays for, and the committee respectfully ask to be discharged from further consideration of said resolution.

Which was concurred in.

Mr. Stover, from the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee on Corporations, to whom was referred a portion of the Revised Statutes of 1843, by resolution of the House, as a part answer to said resolution, said committee beg leave to report the following bill and recommend its passage:

No. 63. A bill to authorize the formation of limited partnerships;

Which was read a first time and passed to a second reading.

A message from the Governor, by Mr. King, executive messenger:

**MR. SPEAKER:**

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bill, viz:

No. 6. An act to provide for the appointment of commissioners to revise and simplify the practice and pleadings of courts of justice. Which originated in the House of Representatives.

A message from the Senate, by Mr. Dunn, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House, with the following engrossed amendments thereto, entitled

No. 49. A bill to amend the tenth and eleventh sections of article 2, of chapter 12, of part 1, of the Revised Statutes of 1843, on the subject of enlisting property for taxation.

In which the concurrence of the House is respectfully requested.

The amendments of the Senate to the bill contained in the foregoing message were concurred in.

Ordered,

That the clerk inform the Senate thereof.

#### RESOLUTIONS OF THE HOUSE.

On motion by Mr. Owen,

*Resolved*, That out of the thousand copies of the address of Professor Read, on the subject of common school instruction, heretofore ordered by this House to be printed, one hundred copies be placed at the disposal of Professor Read, for distribution by him.

On motion by Mr. Stover,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so changing the laws in relation to suits commenced by summons, that the plaintiff shall have the same rights to garnishee third persons, after execution returned "no property found," as is now authorized by plaintiffs under writs of attachment.

On motion by Mr. Leviston,

*Resolved*, That the committee on Benevolent and Scientific Institutions inquire into the expediency of reporting a bill providing houses of refuge for the correction and reformation of juvenile offenders.

On motion by Mr. Cowgill,

*Resolved*, That the committee on the Organization of Courts of Justice be instructed to inquire into the expediency of giving justices of the peace jurisdiction in actions of replevin, where the property to be replevied shall not amount to more than one hundred dollars in value.

On motion by Mr. Smith of Spencer,

*Resolved*, That the committee on Fees and Salaries be instructed to inquire into the expediency of allowing witnesses before grand juries one dollar for every twenty-five miles in going to and returning from said grand jury.

Mr. Morris offered the following resolution :

*Resolved*, That the committee on Fees and Salaries be instructed to report to this House a bill providing for the reduction of the fees and salaries of county officers in such counties as the fees of the clerk of the circuit court amount to more than eight hundred dollars, county auditor to more than four hundred dollars, county treasurer to more than six hundred dollars, county recorder to more than five hundred dollars, to settle semi-annually with the board of county commissioners for the whole amount that may come into their hands as proceeds of their several offices, and to pay the surplus into the county treasury, to report said bill at as early a day as possible.

On motion by Mr. Owen,

The resolution was amended by making it one of inquiry.

The resolution as amended was adopted.

Mr. Shanklin offered the following resolution :

*Resolved*, That the use of this Hall be tendered to the Temperance Convention on Wednesday afternoon, the 7th inst.; and that when this House adjourn on Wednesday morning it will adjourn to meet on Thursday morning at 9 o'clock.

Mr. Lindsay of Howard moved to amend the resolution by striking out from the resolving clause and insert the following :

That we will advance and put into the hands of the Door-keeper the sum of fifty cents each, to procure the use of the Masonic Hall for the use of the State Temperance Convention on Wednesday next.

Mr. Doughty moved to amend the amendment by inserting at the proper place the words "all who choose may contribute."

Mr. Gibson proposed to amend by inserting all who voted for the amendment;

Which was accepted by the mover.

Mr. Barker moved to lay the resolution and pending amendments on the table.

The ayes and noes were demanded by Messrs. Shanklin and Nelson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Chowning, Cockrum, Crawford, Cromwell, Dobson, Donaldson, Eccles, English, Geddes, Gibson, Harrison, Hart, Hays of White, Hudson, Huey, Humphreys, Litchfield, McAllister, McDonald, McDowell, Porter, Ray, Reynolds, Scudder, Smith of Spencer, Stanfield, Suit, Sweet, Wells, Withers and Mr. Speaker—34.

*Those who voted in the negative were,*

Messrs. Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Cowgill, Davis, Dice, Doughty, Douthit, Foster, Glazebrook, Goudy, Graham, Gunn, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holliday of Blackford, Huffstetter, Hunt, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Major, Manson, Mayfield, McConnell, Nelson, Owen, Schoonover, Shanklin, Smith of Marion, Staton, Stevens, Stover, Struble, Stuart, Sumner, Taggart, Thompson, Walker, Watson, Williams, and Wilson—51.

So the resolution and pending amendments were not laid on the table.

Mr. English called the previous question;

Which was seconded by the House.

The question being, Shall the main question be now put?

It was decided in the affirmative.

The question being on the adoption of Mr. Lindsay's amendment to the resolution;

And the question being put,

The ayes and noes were demanded by Messrs. Lindsay and Shanklin.

*Those who voted in the affirmative were,*

Messrs. Beeson, Behm, Bulla, Cockrum, Cromwell, Dobson, Donaldson, Geddes, Gibson, Hart, Hudson, Humphreys, Hunt, Lawrence, Lindsay of Howard, Major, Manson, Mayfield, Porter, Schoonover, Smith of Marion, Suit, Sumner, Sweet, Thompson, Wells, and Withers—27.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Brady, Bryant, Baskirk, Chowning, Cowgill, Crawford, Davis, Dice, Doughty, Douthit, Eccles, English, Foster, Glazebrook, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Huey,

Huffstetter, Kent, Lavery, Leviston, Litchfield, McAllister, McConnell, McDowell, Nelson, Owen, Ray, Reynolds, Scudder, Shanklin, Smith of Spencer, Staton, Stevens, Stover, Struble, Stuart, Taggart, Walker, Watson, Williams, Wilson, and Mr. Speaker—54.

So the amendment was not adopted.

The question then recurred on the adoption of Mr. Shanklin's resolution;

And the question being put,

The ayes and noes were demanded by Messrs. Shanklin and Graham.

*Those who voted in the affirmative were,*

Messrs. Beane, Beeson, Brady, Bulla, Buskirk, Davis, Dobson, Donaldson, Eccles, Foster, Gibson, Glazebrook, Hanna, Hays of White, Helmer, Hicks, Huffstetter, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Major, McConnell, Owen, Porter, Scudder, Shanklin, Smith of Marion, Staton, Stover, Stuart, Suit, Taggart, Thompson, Watson, Williams, Wilson, Withers, and Mr. Speaker—42.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Behm, Bryant, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dice, Doughty, Douthit, English, Geddes, Goudy, Graham, Gunn, Hart, Hay of Clark, Henry, Holliday of Blackford, Hudson, Huey, Humphreys, Hunt, Litchfield, Manson, Mayfield, McAllister, McDonald, McDowell, Ray, Reynolds, Schoonover, Smith of Spencer, Struble, Sweet, Walker, and Wells—39.

So the resolution was adopted.

Mr. Smith of Spencer offered the following resolution:

*Resolved*, That the members of this House will not grant the use of this House to the State temperance society, nor the State conventions on the 24th and 26th days of February, 1852, nor will they adjourn for any of the above conventions.

Mr. Kent moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Behm and Smith of Spencer.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beeson, Brady, Bryant, Bulla, Buskirk,

Chowning, Cockrum, Cowgill, Cromwell, Davis, Dice, Dobson, Doughty, Douthit, Eccles, English, Geddes, Gibson, Goudy, Glazebrook, Hanna, Hays of White, Helmer, Henry, Hicks, Huey, Humphreys, Kent, Laverty, Lawrence, Leviston, Lindsay of Howard, Litchfield, Major, McConnell, McDonald, Nelson, Owen, Porter, Ray, Schoonover, Scudder, Shanklin, Smith of Marion, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Behm, Crawford, Foster, Graham, Hart, Hay of Clark, Holliday of Blackford, Hudson, Hunt, Manson, Mayfield, McAllister, McDowell, Morris, Reynolds, Smith of Spencer, and Stevens—17.

So the resolution was laid on the table.

Mr. Geddes offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to report a bill to this House reducing the number of jurors in civil cases to seven, and that a majority of said seven shall in all cases rule.

On motion by Mr. Gibson,

The resolution was amended by making it one of inquiry.

The resolution was then adopted.

Mr. Hicks offered the following resolution :

*Resolved*, That the committee on the Organization of Courts be instructed to prepare and report to this House a bill abolishing the grand jury system, and providing for the prosecution of offenders against the laws of this State.

Mr. Smith of Marion moved to strike out from the resolving clause and insert the following :

That the committee on the Organization of Courts of Justice be directed to report a bill abolishing the grand jury, and providing for inquiring into the violations of law, and the punishment of crimes and misdemeanors; that said bill require justices of the peace and constables to inquire into the violations of law in their respective townships; that justices of the peace have power to try and fine for minor offences, and bind over for criminal offences that come within the jurisdiction of circuit courts; that all trials and examinations shall be opened to the accused, who may appear and be heard either

in his own behalf or through his attorney; and that it shall be optional with the accused to be tried or examined either by the justice of the peace or by a jury of five men; and that said committee make such other provisions as will best secure the detection of offenders, and a speedy examination or trial, without waiting for the tardy operations of an institution which would afford them ample time to escape.

Which was accepted.

Mr. Gibson moved to lay the resolution as amended on the table. The question being put,

The ayes and noes were demanded by Messrs. Barker and Lindsay.

*Those who voted in the affirmative were,*

Messrs. Beach, Behm, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Cromwell, Davis, Dice, Dobson, Donaldson, Doughty, Eccles, Foster, Geddes, Gibson, Glazebrook, Goudy, Gunn, Hanna, Hay of Clark, Helmer, Hudson, Hunt, King, Lavery, Lawrence, Lindsay of Howard, Litchfield, Mayfield, McAllister, McConnell, Nelson, Scudder, Stanfield, Staton, Stevens, Stover, Suit, Taggart, Thompson, Watson, Williams, and Mr. Speaker—46.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Beeson, Brady, Crawford, Douthit, English, Graham, Harrison, Hart, Henry, Hicks, Holliday of Blackford, Huey, Humphreys, Kent, Leviston, Major, Manson, McDonald, McDowell, Morris, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Struble, Stuart, Sumner, Sweet, Walker, Wells, Wilson, and Withers—38.

So the resolution was laid on the table.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 60. A bill to empower railroad companies to receive lands, lots, and other property, in subscription of stock;

Was read a second time.

On motion by Mr. Stover,

The bill was referred to the committee on Corporations.

No. 61. A bill to prevent the destruction of stock by running locomotives and cars upon rail roads ;

Was read a second time.

Mr. Gibson moved to refer the bill to the committee on the Judiciary.

Mr. Beeson moved to refer the bill to the committee on Corporations.

The question being put on referring the bill to the Judiciary committee,

It was decided in the affirmative.

#### SENATE BILLS ON SECOND READING.

No. 36. A bill for the relief of purchasers of school lands where no record has been made of the appointment, as required by any previous law, and the confirmation of titles to lands previously sold, and prescribing the duties of county auditors in relation thereto ;

Was read a second time.

On motion by Mr. McDowell,

The bill was referred to a select committee consisting of Messrs. McDowell, Owen and Bryant.

#### HOUSE BILLS ON THIRD READING.

No. 56. A bill making general provisions concerning courts of justice and the powers and duties of judicial officers, embracing the following matters connected therewith.

Was read a third time.

By the general consent of the House, the blank in the bill was filled up, by inserting the first day of February.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Glazebrook, Goudy, Graham, Gunn, Hanna, Harrison, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McCon-



nell, McDonald, McDowell, Morris, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stover, Stuart, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—83.

No person voting in the negative.

By the unanimous consent of the House,

Mr. Manson recorded his vote, he being without the bar when his name was called.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 12. A joint resolution in relation to patents;  
Was read a third time.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, English, Foster, Geddes, Glazebrook, Goudy, Graham, Gunn, Hanna, Harrison, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—84.

No person voting in the negative.

So the joint resolution passed.

Ordered that the clerk inform the Senate thereof.

By the unanimous consent of the House,

Mr. Buskirk, from a select committee, made the following report:

**MR. SPEAKER:**

The select committee, to whom was recommitted House bill No. 44, have had the same under consideration, and directed me to report the same back, with one amendment, and when so amended, recommend its passage.

Amend as follows:

Sec. 3. If any portion of said lands now forfeited, shall not have been redeemed on the said first day of July next, as provided in the second section of this act, it shall be the duty of the commissioner of such reserved lands to sell the same for the best price he can obtain, not less than the original purchase price, allowing the purchaser a credit on the same as now provided by law. If any such lands shall hereafter be forfeited, it shall be the duty of such commissioner, if the same is not redeemed within six months from the time of such forfeiture, to sell the same on the terms in this section above provided. For his services in effecting such sales, the commissioner shall be entitled to retain, out of the first moneys received from the purchasers, five per cent. upon the amount of the purchase price of such lands.

The report was concurred in, and amendment adopted.

The question then being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Donaldson, Doughty, Douthit, Eccles, English, Foster, Geddes, Glazebrook, Goudy, Gunn, Graham, Harrison, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Hudson, Huey, Huffstetter, Hunt, Kent, Lavery, Lawrence, Leviston, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—77.

No person voting in the negative.

So the bill passed.

On motion by Mr. Buskirk,

The title of the bill was amended by adding "and providing for the sale of forfeited lands."

Ordered, that the clerk inform the Senate thereof.

Mr. Nelson, under the rule, gave notice of a motion for leave to introduce a bill to allow prosecuting attorneys to occupy the grand jury room during the vacation of courts.

On motion by Mr. Cockrum,

House bill,

No. 50. A bill to attach township No. 1, north of range 8 west, and sections No. 31, 32, 33, 34, 35 and 36, in township No. 2, north of range 8 west, now constituting a part of Knox to the county of Pike.

Was taken from the table.

The question being on the adoption of the amendment, proposed to the bill by Mr. Williams,

After some debate, Mr. Williams withdrew his amendment.

On motion by Mr. Buskirk,

The bill was referred to the committee on the Judiciary, with instructions to inquire into its constitutionality.

On motion by Mr. McConnell,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Huffstetter obtained leave and offered the following resolution:

*Resolved*, That the Senate be invited to attend *instanter* in the Hall of the House of Representatives, for the purpose of electing three commissioners to revise, simplify and abridge the rules, practice, pleadings and forms of the Courts of justice, and to abolish the distinctions between law and equity, and that seats be provided for them on the right of the Speaker's chair.

Which was adopted.

Ordered that the Senate be informed thereof.

The Senate came into the Hall of the House, and in joint convention proceeded by a joint viva voce vote to the election of three commissioners to revise, simplify and abridge the rules, practice, pleadings, and forms of the courts of justice, and to abolish the distinctions between law and equity.

The convention proceeded to elect the three commissioners jointly. The members of the Senate voted as follows:

	<i>March.</i>	<i>Liston.</i>	<i>Carr.</i>	<i>Sullivan.</i>	<i>McDonald.</i>	<i>Newman.</i>	<i>Blank.</i>
Mr. Alexander voted for	1	1	1				
Allen	2	2	2				
Athon	3	3	3				
Berry	4	4	4				
Brugh	5	5	5				
Crawford	6	6	6				
Davis	7	7	7				
Dawson	8	8	8				
Defrees				1	1	1	
Delevan	9	9	9				
Dougherty	10	10	10				
Dunn				2	2	2	
Eddy	11	11	11				
Emerson	12	12	12				
Goodman	13	13	13				
Hanna	14	14	14				
Hatfield	15	15	15				
Henton	16	16	16				
Hester	17	17	17				
Hickman	18	18	18				
Hicks	19	19	19				
Holloway				3	3	3	
Hunt	20	20	20				
James	21	21	21				
Kendall				4	4	4	
Kinnard	22	22	22				
Knowlton				5	5	5	
Logan	23	23	23				
Longshore	24	24	24				
Marshall				6	6	7	
McCarty				7	7	7	
Mickle	25	25	25				
Miller	26	26	26				
Milliken	27	27	27				
Niblack	28	28	28				
Odell				8	8	8	
Reid	29	29	29				
Saffer	30	30	30				
Secrest	31	31					1
Slack	32	32	31				
Sleeth	33	33	32				
Spann	34	34	33				
Teegarden		35		9	9		
Walker	35	36	34				
Washburn	36	37	35				
Winstandley	37	38	36				
Witherow				10	10	9	

The members of the House voted as follows:

	<i>March.</i>	<i>Liston.</i>	<i>Carr.</i>	<i>Sullivan.</i>	<i>McDonald.</i>	<i>Newman.</i>	<i>Blank.</i>
Barker	38	39	37				
Beach	29	40	38				
Beane	40	41	39				
Beeson	41	42	40				
Behm				11	11	10	
Brady	32	43	41				
Bryant				12	12	11	
Bulla				13	13	12	
Buskirk	42	44	42				
Carpenter				14	14	13	
Chowning	44	45	43				
Cockrum				15	15	14	
Cowgill				16	16	15	
Crawford	45	46	44				

	<i>March.</i>	<i>Liston.</i>	<i>Curr.</i>	<i>Sullivan.</i>	<i>McDonald.</i>	<i>Newman.</i>	<i>Blank.</i>
Cromwell, -	46	47	.....	.....	.....	16	.....
Davis, -	.....	.....	.....	17	17	17	.....
Dice, -	47	48	45	.....	.....	.....	.....
Dobson, -	48	49	46	.....	.....	.....	.....
Donaldson, -	49	50	.....	.....	.....	18	.....
Doughty, -	.....	.....	.....	18	18	19	.....
Douthit, -	50	51	47	.....	.....	.....	.....
Eccles, -	51	52	48	.....	.....	.....	.....
English, -	52	53	49	.....	.....	.....	.....
Foster, -	53	54	50	.....	.....	.....	.....
Geedes, -	.....	.....	.....	19	19	20	.....
Gibson, -	54	55	.....	.....	.....	.....	2
Glazebrook, -	55	56	51	.....	.....	.....	.....
Goudy, -	56	57	.....	.....	.....	21	.....
Graham, -	.....	.....	.....	20	20	22	.....
Gunn, -	.....	.....	.....	21	21	23	.....
Hanna, -	.....	.....	52	.....	.....	.....	4
Harrison, -	57	58	53	.....	.....	.....	.....
Hart, -	58	59	54	.....	.....	.....	.....
Hay of Clark, -	.....	.....	.....	22	22	24	.....
Hays of White, -	59	60	.....	.....	.....	.....	5
Helmer, -	.....	.....	.....	23	23	25	.....
Henry, -	60	61	55	.....	.....	.....	.....
Hicks, -	.....	.....	.....	24	24	26	.....
Holliday of Blackford, -	61	.....	.....	35	.....	27	.....
Hostetter, -	62	62	.....	.....	.....	28	.....
Hudson, -	.....	.....	.....	26	25	29	.....
Huey, -	63	63	56	.....	.....	.....	.....
Huffstetter, -	64	64	57	.....	.....	.....	.....
Humphreys, -	65	65	58	.....	.....	.....	.....
Hunt, -	.....	.....	.....	27	26	30	.....
Kent, -	66	66	59	.....	.....	.....	.....
King, -	.....	.....	.....	28	27	31	.....
Lavery, -	67	67	60	.....	.....	.....	.....
Lawrence, -	.....	.....	.....	29	28	32	.....
Leviston, -	68	68	61	.....	.....	.....	.....
Lewis, -	69	69	.....	.....	.....	.....	6
Lindsay of Howard, -	.....	.....	.....	30	29	33	.....
Litchfield, -	70	70	62	.....	.....	.....	.....
Major, -	71	71	63	.....	.....	.....	.....
Manson, -	72	72	64	.....	.....	.....	.....
Mayfield, -	.....	.....	.....	31	30	34	.....
McAllister, -	73	73	65	.....	.....	.....	.....
McConnell, -	74	74	66	.....	.....	.....	.....
McDonald, -	75	75	.....	.....	31	.....	.....
McDowell, -	76	76	67	.....	.....	.....	.....
Morris, -	77	77	68	.....	.....	.....	.....
Nelson, -	78	78	69	.....	.....	.....	.....
Owen, -	79	79	70	.....	.....	.....	.....
Porter, -	80	80	71	.....	.....	.....	.....
Ray, -	81	81	72	.....	.....	.....	.....
Reynolds, -	82	82	73	.....	.....	.....	.....
Schoonover, -	83	83	74	.....	.....	.....	.....
Scudder, -	.....	.....	.....	32	32	35	.....
Shanklin, -	.....	.....	.....	33	33	36	.....
Smith of Marion, -	84	84	75	.....	.....	.....	.....
Smith of Spencer, -	.....	.....	.....	34	34	37	.....
Stanfield, -	.....	.....	.....	35	35	38	.....
Staton, -	.....	.....	.....	36	36	39	.....
Stevens, -	.....	.....	.....	37	37	40	.....
Stover, -	85	85	76	.....	.....	.....	.....
Struble, -	86	86	77	.....	.....	.....	.....
Stuart, -	87	87	78	.....	.....	.....	.....
Suit, -	.....	.....	.....	38	38	41	.....
Sumner, -	.....	.....	.....	39	39	42	.....
Sweet, -	88	88	79	.....	.....	.....	.....
Taggart, -	89	89	80	.....	.....	.....	.....
Thompson, -	.....	.....	.....	40	40	43	.....
Walker, -	.....	.....	.....	41	41	44	.....
Watson, -	.....	.....	.....	42	42	45	.....
Wells, -	90	90	81	.....	.....	.....	.....
Williams, -	91	91	82	.....	.....	.....	.....
Wilson, -	92	92	83	.....	.....	.....	.....
Withers, -	93	93	84	.....	.....	.....	.....
Mr. Speaker, -	94	94	85	.....	.....	.....	.....

## Synopsis of the first vote for commissioners:

Walter March received.....	94	votes.
Jonathan A. Liston.....	94	“
George W. Carr.....	85	“
Jeremiah Sullivan.....	42	“
David McDonald.....	42	“
John S. Newman.....	45	“
Blank.....	6	“

Whole number of votes given, 138.

Necessary to a choice, 70 votes.

Walter March, Jonathan A. Liston and George W. Carr each having received a majority of all the votes given, they were declared by the President of the Convention, duly elected commissioners to revise, simplify and abridge the rules, practice, pleadings, and forms of courts of justice, &c.

The President declared the Convention adjourned without day.

The Senate then retired to their chamber.

Mr. Wilson, from the committee on Engrossed Bills, made the following report:

**MR. SPEAKER:**

The committee on Engrossed Bills have examined bill of the House No. 56 and joint resolution No. 12, and find them correctly engrossed.

Mr. Glazebrook obtained leave and offered the following resolution:

*Resolved*, That this House will meet at 8 o'clock on Wednesday morning next, and adjourn at 10 o'clock the same day, to meet at 9 o'clock on Thursday morning, the 8th; and hereby tender the use of this Hall for the purpose of holding a State Temperance Convention during the adjournment on Wednesday, the 7th.

The question being on the adoption of the resolution:

The ayes and noes were demanded by Messrs. Gibson and Stevens.

*Those who voted in the affirmative were,*

Messrs. Beane, Beeson, Behm, Brady, Bulla, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis,

Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Glazebrook, Goudy, Graham, Gunn, Hanna, Harrison, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Hunt, Kent, Laverty, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McConnell, Morris, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sumner, Taggart, Thompson, Walker, Watson, Williams, Wilson, and Withers—71.

*Those who voted in the negative were,*

Messrs. Barker, English, Foster, Gibson, Hart, McAllister, McDonald, McDowell, Ray, Smith of Spencer, Suit, Sweet, Wells, and Mr. Speaker—14.

So the resolution was adopted.

On motion by Mr. Buskirk,

The House adjourned to meet to-morrow morning, nine o'clock.

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TUESDAY MORNING, }  
January 6, 1852. }

The House met.

The journal of the preceding day was read.

A message from the Senate by Mr. Dunn, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 39. A bill providing for the change of the titles of railroad, plank or macadamized roads, or other incorporated companies in this State;

In which the concurrence of the House is respectfully requested.

The bill contained in the foregoing message was read a first time, and passed to a second reading.

A message from the Senate, by Mr. Dunn, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendments of the House to engrossed bill of the Senate

No. 27. An act for the relief of persons who are likely to suffer by the destruction of the records and other writings of Clay county, and to provide for furnishing said county with tract books, lists of canal lands and decisions of the supreme court, and to provide for the collection and disbursement of revenue, and to authorize the board of county commissioners of said county to meet ; with the following amendments of the Senate to the engrossed amendments of the House ;

In which the concurrence of the House is respectfully requested.

The amendments of the Senate to the engrossed amendments of the House to Senate bill No. 27, contained in the foregoing message, were concurred in.

Ordered that the clerk inform the Senate thereof.

#### PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. McDonald:

The petition of sundry citizens of Lake county, in reference to the passage of a law prohibiting hogs from running at large ;

Which,

On motion,

Was referred to the committee on Agriculture.

By Mr. Williams :

Two memorials from sundry ladies and gentlemen of Knox county, asking the repeal of the law licensing the sale of spirituous liquors ;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Hanna ;

Three memorials from sundry citizens of the State, on the subject of temperance ;

Which,

On motion,

Were referred to the committee on temperance.



By Mr. Douthit ;

The memorial of sundry ladies and gentlemen of this State on the subject of temperance ;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Scudder ;

Two memorials, from sundry citizens of Daviess county on the subject of temperance ;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. McDonald :

A petition from sundry citizens of Lake county, in relation to preventing accidents on railroads to live stock ;

Which,

On motion,

Was referred to the committee on Corporations.

By Mr. Hays of White :

A petition from sundry citizens of White county, in relation to amending the present school law ;

Which,

On motion,

Was referred to the committee on Education.

By Mr. Carpenter :

A petition from sundry citizens of Evansville and Vanderburgh county, in relation to amending the city charter of Evansville ;

Which,

On motion,

Was referred to the committee on Corporations.

#### REPORTS FROM COMMITTEES.

Mr. Schoonover, chairman of the committee on Military affairs, made the following report :

**MR. SPEAKER :**

The committee on Military Affairs to which was referred a resolution of the House instructing said committee, to inquire into and report upon the propriety of the State of Indiana, bestowing swords as tokens of honor upon citizens of the State who served with distinction as soldiers, volunteer, or regular, in the war with Mexico, have had the subject under consideration and without expressing an opinion on the merits of the object contemplated by the resolution,

have directed me to report it back to the House and ask that it be laid on the table.

Which was concurred in.

Mr. Huffstetter, chairman of the committee on Roads, made the following report:

**MR. SPEAKER:**

The committee on Roads to whom was referred a petition from sundry citizens of Carroll county, asking for the location of a certain road, and the remonstrance against the same, have had the matter under consideration, and find that the remonstrance is much more numerously signed, and have therefore instructed me to report the petition and remonstrance back to the House and ask to be discharged from a further consideration of the subject.

Which was concurred in.

Mr. Hicks from the committee on Roads made the following report:

**MR. SPEAKER:**

The committee on Roads to which was referred the petition of Silas Needham and others, asking for the passage of a law in relation to a State road in Jefferson and Jennings counties, together with the remonstrance of Thomas Bland and others thereto; also, the petition of William C. Shields and others, in relation to a State road in the counties of Grant, Delaware and Madison have had the same under consideration, and directed me to report, that in their opinion the special legislation prayed for is not allowed by the constitution, that heretofore said committee have reported a general bill on the subject of roads, which will meet the wants of the petitioners; the committee therefore ask to be discharge from the further consideration of the subjects above referred to.

Which as concurred in.

Mr. Huffstetter, chairman of the committee on Roads, made the following report:

**MR. SPEAKER:**

The committee on Roads to whom was referred a petition of sundry citizens of Steuben county, asking an alteration of a certain road in said county, have had the same under consideration and have instructed me to report the same back to the house, and ask

to be discharged from a further consideration of the same, from the fact that a general road law is now pending which provides for the case.

Which was concurred in.

Mr. Helmer from the committee on Corporations made the following report:

**MR. SPEAKER:**

The committee on Corporations to whom was referred bill of the House No. 60, have had the same under consideration, and have instructed me to report it back without amendment and respectfully recommend its passage.

No. 60. A bill to empower Railroad Companies to receive lands, lots and other property in subscription of stock.

The bill was ordered to be engrossed.

Mr. McDowell, from the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee on Corporations, to whom was referred general provisions respecting corporations, have had that subject under consideration and have directed me to report the following bill establishing public libraries, and respectfully to recommend its passage:

No. 64. A bill to establish public libraries;

Which was read a first time and passed to a second reading.

Mr. Hunt, from the committee on Benevolent and Scientific Institutions, made the following report:

**MR. SPEAKER:**

The committee on Benevolent and Scientific Institutions, to whom was referred an engrossed bill of the House (No. 31) entitled an act to regulate visiting the Indiana Hospital for the Insane, together with the engrossed amendment of the Senate thereto, have had the subject under consideration, and directed me to report that said amendment, if agreed to by the House, would defeat the entire object contemplated by the original bill, and they therefore recommend that the House refuse to concur in the amendment of the Senate.

The House refused to concur in the amendment of the Senate to the bill contained in the foregoing report.

Ordered that the clerk inform the Senate thereof.

Mr. Beach, from the committee on Organization of Courts of Justice, made the following report:

MR. SPEAKER :

The committee on the Organization of Courts of Justice, to whom was referred a resolution instructing said committee to inquire into the expediency of granting to the circuit courts power to change the names of persons, have had that subject under consideration, and directed me to report the following bill, and respectfully recommend its passage :

No. 65. A bill authorizing circuit courts to change the names of persons and corporations ;

Which was read a first time and passed to a second reading.

#### RESOLUTIONS OF THE HOUSE.

Mr. Withers offered the following resolution :

*Resolved*, That the committee on the Judiciary be and they are hereby instructed to report to this House, at the earliest practicable period, a bill to abolish capital punishment.

Mr. Beeson moved to amend the resolution by making it one of inquiry ;

Which motion did not prevail.

The question then being on the adoption of the resolution :

And the question being put, shall the resolution be adopted ?

The ayes and noes were demanded by Messrs. Withers and Watson.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Behm, Bryant, Bulla, Carpenter, Chowning, Cowgill, Cromwell, Dice, Donaldson, Doughty, Douthit, English, Geddes, Glazebrook, Gunn, Hanna, Harrison, Hart, Hays of White, Henry, Holliday of Blackford, Hostetter, Hudson, Hunt, Lawrence, Leviston, Lewis, Major, McDonald, McDowell, Morris, Owen, Porter, Reynolds, Shanklin, Stevens, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Williams, Wilson, Withers, and Mr. Speaker  
—48.

*Those who voted in the negative were,*

Messrs. Barker, Beeson, Buskirk, Cockrum, Crawford, Dobson, Donaldson, Eccles, Foster, Gibson, Goudy, Graham, Hay of Clark, Helmer, Hicks, Huey, Huffstetter, Humphreys, Kent, King, Laverly, Lindsay of Howard, Litchfield, Manson, Mayfield, McAllister, McConnell, Mudget, Nelson, Ray, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Stuart, Suit, Watson, and Wells—41.

So the resolution was adopted.

On motion by Mr. Hay of Clark,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of giving to the townships or districts the control of the school funds, both principal and interest, so far as principal is available, so that those to whom the money belongs may have the right to loan the principal to and within their own townships or districts, held under proper checks and penalties for the safety of the same.

Mr. Cockrum offered the following resolution :

*Resolved*, That the committee on the Judiciary be and they are hereby requested to take into consideration the expediency of so amending the laws regulating and defining the duties of county surveyors, as to give them authority to take and certify acknowledgments of deeds, and report by bill or otherwise.

Which was not adopted.

On motion by Mr. Doughty,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of providing for the sale of the stock owned by the State in the Madison and Indianapolis Railroad, and report to this House by bill or otherwise.

On motion by Mr. Buskirk,

*Resolved*, That the Auditor of State be requested to communicate to this House, at his earliest convenience, the following information, namely:

1st. How much the printing of the General and Local Laws, respectively, of the last session of the General Assembly, in the several newspapers of this city, has cost the State of Indiana?

2d. How much did the Secretary of State receive for sending certified copies of the General and Local Laws of last session?

3d. How much did the enrollment of the General and Local Laws of the last session cost?

4th. What is the value of the stationery used by the judges and officers of the supreme court, within the last fiscal year?

5th. What services the Auditor of State performs, connected with his official duties, for which he receives compensation other than his annual salary? the amount of the various perquisites he may receive, together with reference to the laws authorizing such compensation.

On motion by Mr. Buskirk,

*Resolved*, That the Treasurer of State be requested to communicate to this House, at his earliest convenience, information upon the following subjects, namely:

1st. What services the Treasurer of State performs, connected with the duties of his office, for which he receives compensation other than his annual salary, and the amount of the various perquisites he may receive, with reference to the laws authorizing such compensation.

2d. What is the amount of quarter per cent. Treasury notes in his office, in blank or partially or entirely filled up, and which have never been issued?

On motion by Mr. Buskirk,

*Resolved*, That the Secretary of State be requested to inform this House, at his earliest convenience, what services he performs connected with the duties of his office, for which he receives compensation other than his annual salary, and the amount of the different perquisites he may receive, with reference to the laws authorizing such compensation.

On motion by Mr. Lewis,

*Resolved*, That the committee on Education be directed to engraft into the bill establishing a general school law, provisions for the education of the pauper children in the different county asylums within the State, and also those that may hereafter be established.

On motion by Mr. Geddes,

*Resolved*, That the Auditor of State be requested to report at his earliest convenience to this House, the items that constitute the bill of expenses of the Constitutional Convention of 1850 and 1851.

Mr. Smith of Marion offered the following resolution :

*Resolved*, That the committee of Ways and Means inquire into the expediency of so amending the law regulating the granting of license to dealers in merchandise, that the amount exacted for license shall bear some proportion to the amount of capital invested, so that those trading on a small capital shall not be required to pay as much for license as those trading on a large capital; also, to make all proper guards and restrictions to prevent persons from selling goods without license.

Mr. Carpenter moved to amend the resolution, by requiring licenses assessed in incorporated cities, to be paid into the city treasury.

Which motion did not prevail.

The resolution was then adopted.

Mr. Nelson in pursuance of previous notice, obtained leave and introduced,

No. 66. A bill to provide for the several prosecuting attorneys of this State, to occupy the grand jury room as an office free of charge.

Which was read a first time and passed to a second reading.

Mr. Stuart by unanimous consent of the House, introduced,

No. 67. A bill to change the time of holding courts in the 8th judicial circuit.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *House Bills on Second Reading.*

No. 63. A bill to authorize the formation of limited partnerships;

Was read a second time.

On motion by Mr. Stuart,

The bill was referred to the committee on the Judiciary.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report :

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled bill and enrolled joint resolution of the House, with the engrossed copies of the corresponding numbers, and find them correctly enrolled:

No. 8. A joint resolution relative to William Smith O'Brien and others.

No. 49. An act to amend the tenth and eleventh sections of article 2, of chapter 12, of part 1, of the Revised Statutes of 1843, on the subject of enlisting property for taxation.

Whereupon the Speaker signed the same.

*Ordered*, That the Senate be informed thereof.

On motion by Mr. Dobson,

The House adjourned to meet at two o'clock, P. M.

2 o'clock, P. M.

The House met.

The hour having arrived,

On motion by Mr. Dobson,

The House resolved itself into committee of the whole on,

No. 21. A bill to limit the number of grand jurors, and to point out their mode of selection, and repealing all laws inconsistent with this act.

Mr. Leviston in the chair.

After spending some time in the consideration of the bill the committee arose, and reported progress, through Mr. Leviston their chairman, to-wit:

MR. SPEAKER:

The committee of the Whole House to whom was referred bill of the House No. 21, entitled an act to limit the number of grand jurors, and to point out the mode of their selection, and repealing all laws inconsistent with this act, have had the same under consideration, and have directed me to report progress and ask leave to sit again.



The House refused to grant the committee leave to sit again.

The question then being on the adoption of Mr. Hudson's amendment to the bill, offered January 3, 1852.

Mr. Foster moved to amend the amendment as follows:

Amend by striking out "six" in second line, and insert "nine;"

Also, in the proper place, "that six shall be necessary to find a bill.

Which motion did not prevail.

Mr. Buskirk offered the following amendment to the amendment of Mr. Hudson:

Strike out the 13th and 14th sections of the amendment and insert, "crimes which may be punished with death or with imprisonment in the States Prison, shall be denominated felonies; all other offences against the criminal laws shall be denominated misdemeanors, and the grand jury shall have cognizance of felonies only, unless some person whose individual rights have been affected, appears before the jury and demands an investigation of a misdemeanor, in which case the grand jury may send for witnesses and investigate all such offences."

Which amendment was not adopted.

Mr. Hunt moved to amend the amendment of Mr. Hudson as follows:

Strike out the 13th and 14th sections.

Which motion did not prevail.

The question then recurred on the adoption of Mr. Hudson's amendment; and being put:

The ayes and noes were demanded by Messrs. Linsday of Howard and Huey.

*Those who voted in the affirmative were,*

Messrs. Barker, Beeson, Behm, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Davis, Dice, Doughty, Douthit, English, Foster, Geddes, Glazebrook, Goudy, Gunn, Hart, Hicks, Holliday of Blackford, Hostetter, Hudson, Huey, Humphreys, Kent, King, Laverty, Lawrence, Leviston, Lewis, Linsday of Howard, Major, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Owen, Porter, Ray, Schoonover, Shanklin, Smith of Spencer, Staton, Stevens, Stover, Struble, Suit, Sumner, Taggart, Thompson, Walker, Watson, Wilson, Withers and Mr. Speaker—  
61.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Buskirk, Crawford, Dobson, Donaldson, Eccles, Graham, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Huffstetter, Hunt, Litchfield, McDowell, Mudgett, Nelson, Reynolds, Scudder, Smith of Marion, Spencer, Stanfield, Stuart, Sweet, Torbet, Wells and Williams—29.

So the amendment was adopted.

By unanimous consent of the House, the blank in the bill was filled up by inserting "five."

The question then being shall the bill be engrossed for a third reading?

The ayes and noes were demanded by Messrs. Graham and Huey.

*Those who voted in the affirmative were,*

Messrs. Barker, Behm, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Davis, Donaldson, Doughty, Douthit, Eccles, English, Foster, Geddes, Glazebrook, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Hicks, Holliday of Blackford, Hostetter, Hudson, Huey, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Lewis, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McConnell, Miller, Owen, Porter, Ray, Schoonover, Shanklin, Stanfield, Staton, Stevens, Stover, Struble, Suit, Taggart, Walker, Watson, Williams, Wilson, Withers and Mr. Speaker—60.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Beeson, Bryant, Buskirk, Crawford, Dice, Dobson, Gibson, Hay of Clark, Helmer, Henry, Huffstetter, Levison, Litchfield, McDonald, McDowell, Mudgett, Nelson, Reynolds, Scudder, Smith of Marion, Smith of Spencer, Spencer, Stuart, Sumner, Sweet, Thompson, Torbet and Wells—30.

So the bill was ordered to be engrossed for a third reading.

A message from the Senate by Mr. Dunn their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate have refused to recede from their engrossed amendment to engrossed bill of the House No. 31, entitled an act to regulate visiting the Indiana Hospital for the Insane.

Mr. Hunt moved that the House insist on its disagreement to the amendment of the Senate to the bill contained in the foregoing message.

And the question being put,

The ayes and noes were demanded by Messrs. Graham and Smith of Spencer.

*Those who voted in the affirmative were,*

Messrs. Beeson, Behm, Bryant, Dice, Dobson, Doughty, Eccles, English, Geddes, Graham, Harrison, Hay of Clark, Hostetter, Hunt, King, Lewis, McDowell, Morris, Nelson, Schoonover, Scudder, Stanfield, Stuart, Suit, Sumner, and Wells—26.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Donaldson, Douthit, Foster, Gibson, Glazebrook, Goudy, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Hudson, Huey, Hostetter, Humphreys, Kent, Laverty, Lawrence, Leviston, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Mudgett, Owen, Porter, Ray, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stevens, Stover, Struble, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—60.

So the House did not insist on their disagreement to the amendments of the Senate.

Ordered,

That the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed joint resolution of the House, with the following engrossed amendment of the Senate thereto.

No. 9. A joint resolution in relation to newspaper postage.

In which the concurrence of the House is respectfully requested.

On motion by Mr. King,

The joint resolution and amendment contained in the foregoing message were laid on the table.

A message from the Senate by Mr. Dunn, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House, with the following engrossed amendment of the Senate thereto:

No. 24. Entitled an act providing a remedy for the illegal reduction of the aggregate valuation of real estate in the several counties of this State.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Hudson,

The bill and amendments contained in the foregoing message were laid on the table.

A message from the Senate by Mr. Dunn their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill thereof, entitled

No. 28. A bill to protect railroads, and the property of railroad companies, and the persons and lives of passengers; to prevent frauds and impositions upon railroad and canal companies, and to secure freights and damages in certain cases; defining the crimes and fixing the punishments for the violation of this act, and providing for service of process and limiting certain actions.

In which the concurrence of the House is respectfully requested.

The bill contained in the foregoing message was read a first time and passed to a second reading.

On motion by Mr. Suit,

Leave of absence was granted Mr. Brady.

A message from the Governor, by Mr. King, executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, viz:

No. 8. A joint resolution relative to William Smith O'Brien and others.

No. 49. An act to amend the tenth and eleventh sections of article 2 of chapter 12, of part 1 of the Revised Statutes of 1843, on the subject of enlisting property for taxation ;

Which bills originated in the House of Representatives.

On motion by Mr. McConnell,

The House adjourned until to-morrow morning, 8 o'clock.

WEDNESDAY MORNING, }  
January 7, 1852. }

The House met.

The journal of the preceeding day was read.

PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.

By Mr. Hostetter ;

Three memorials from sundry ladies and gentlemen of Vermillion county, on the subject of temperance.

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Cowgill ;

Two memorials from sundry ladies and gentlemen of Wabash county, on the subject of temperance.

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Spencer :

The proceedings of a meeting held in Vevay, Switzerland county, on the subject of Education ;

Which,

On motion,

Was referred to the committee on Education.

By Mr. Spencer :

A memorial from sundry citizens of the State of Indiana, on the subject of Temperance ;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Sumner:

The remonstrance of sundry citizens of school district No. 8, in Marshall county, against the repeal of the act organizing a school district therein;

Which,

On motion,

Was referred to the select committee to whom was referred the petition on the same subject.

By Mr. Harrison:

The petition of sundry citizens of Porter and Lake counties, for the location of a State road;

Which,

On motion,

Was referred to the committee on Roads.

By Mr. Miller:

Two memorials from sundry ladies and gentlemen of Fulton county, on the subject of Temperance;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Scudder:

A petition from the commissioners of Daviess county, on the subject of the Indiana Hospital for the Insane; also, on the subject of ferries;

Which,

On motion,

Were referred to the committee on Ways and Means.

By Mr. Wilson:

The petition of sundry citizens of Randolph and Delaware counties for the location of a State road;

Which,

On motion,

Was referred to the committee on Roads.

By Mr. Mayfield:

The memorial of sundry ladies and gentlemen, on the subject of Temperance;

Which,

On motion,

Was referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Sumner, from the committee on Corporations, made the following report:

MR. SPEAKER :

The committee on Corporations, to which was referred all matters relative to corporations, have had the following bill under consideration, and have directed me to report the same, and recommend its passage :

No. 68. A bill for the formation of agricultural societies, and the encouragement of agriculture ;

Which was read a first time and passed to a second reading.

Mr. Leviston, chairman of the committee on Corporations, made the following report :

MR. SPEAKER :

The committee on Corporations, to whom was referred the subject of municipal and private corporations, have, according to order, had that subject under consideration, and have directed me to report the following bill, and respectfully recommend its passage :

No. 69. A bill to provide for the formation of voluntary associations ;

Which was read a first time and passed to a second reading.

Mr. Hay of Clark, from the committee on Benevolent and Scientific Institutions, made the following report :

MR. SPEAKER :

The committee on Benevolent and Scientific Institutions, to whom was referred Senate bill No. 11, a bill for the government of the Indiana Hospital for the Insane, and the care of the Insane in Indiana, have had the same under consideration, and directed me to report the same back with the following amendments, and when so amended, to recommend its passage :

1st. Strike out of the first section the words "the present commissioners shall serve out their respective terms," and insert the following :

*Provided, however,* That those of the present commissioners who have not served four years from the time of their election shall continue to serve as such commissioners, until they shall have served four years from the dates of their respective elections.

2d. Amend section 11th as follows :

Strike out the words "such place in said county as she may appoint," and insert "the court house in said county."

3d. Add the following section :

The superintendent shall not be bound to appear and testify in any court in this State as a witness in any civil cause; and in lieu

thereof, his deposition may be taken and read as evidence on the trial.

The amendments were adopted and ordered to be engrossed, and the bill ordered to a third reading.

Mr. Beeson from the committee on Benevolent and Scientific Institutions made the following report:

**MR. SPEAKER:**

The committee on Benevolent and Scientific Institutions, whose duty it becomes to visit and examine the State and condition of the Asylum for the Blind, have visited said institution and made the necessary examination.

The committee take much pleasure in being able to report to this House, that this institution is in a very flourishing condition.

The educational department is managed under the special care and inspection of the able superintendent, W. H. Churchman, and that department in which the pupils are engaged at manual labor is so well conducted that your committee feel much pleasure in certifying to the faithfulness and ability of the teachers and those engaged in the management thereof.

Indiana is, and ought to be proud of her benevolent institutions, and while they continue to be managed with that care and economy which now so pre-eminently characterize the government of these institutions, their interest and prosperity must continue to increase and advance commensurate with the duties and obligations which devolve upon them.

The committee having thus far fulfilled their duty respectfully ask that the House may concur in their report.

Mr. Stuart, chairman of the committee on the Organization of Courts of Justice, made the following report:

**MR. SPEAKER:**

The committee on the Organization of Courts to whom was referred sundry resolutions in relation to county and probate courts, have had the same under consideration, and a majority of said committee have instructed me to report the following bill and to respectfully recommend its passage.

No. 70. A bill to establish courts of common pleas, and defining the jurisdiction and duties of the judges thereof.

Which was read a first time.



Mr. Stuart moved to suspend the rule, and read the bill a second time by its title.

And the question being put:

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Bryant, Buskirk, Carpenter, Chowning, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Hays of White, Henry, Holliday of Blackford, Hostetter, Hudson, Hunt, Kent, King, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, Mudget, Nelson, Owen, Ray, Schoonover, Shanklin, Smith of Marion, Staton, Stevens, Struble, Stuart, Sweet, Taggart and Mr. Speaker—47.

*Those who voted in the negative were,*

Messrs. Barker, Behm, Brady, Bulla, Cockrum, Cowgill, Crawford, Davis, Geddes, Glazebrook, Graham, Gunn, Hanna, Hay of Clark, Helmer, Hicks, Huey, Huffstetter, Lavery, Leviston, McDonald, McDowell, Miller, Morris, Porter, Reynolds, Scudder, Smith of Spencer, Spencer, Stanfield, Stover, Suit, Sumner, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson and Withers—41.

So the rule was not suspended, two-thirds not voting therefor. The bill then passed to a second reading on to-morrow.

#### RESOLUTIONS OF THE HOUSE.

On motion by Mr. Lawrence,

*Resolved*, That two members be added to the committee on Temperance.

Messrs. Lindsay and Bulla were added to said committee.

On motion by Mr. Withers,

*Resolved*, That when this House adjourns, to meet to-morrow morning at 9 o'clock, and that that be the order of meeting until otherwise ordered by this House.

Mr. Doughty offered the following resolution:

*Resolved*, That from and after Monday next, that this House shall meet each morning at 8 o'clock.

Mr. English moved to amend the resolution by striking out "eight o'clock," and insert half after seven o'clock.

On motion by Mr. Mudget,

The resolution and amendment were laid on the table.

Mr. Bulla offered the following preamble and resolution:

WHEREAS, The subject of Temperance is one of vital importance to the welfare of community. AND WHEREAS, A large number of petitions have been received by this House on that subject. AND WHEREAS, In the opinion of this House, prompt and immediate action seems to be required on the part of this Legislature. Therefore,

*Resolved*, That the committee on Temperance be, and they are hereby instructed to report a bill, at the earliest practicable period, providing for the abolishment of all license laws authorising the retail of ardent spirits to be used as a beverage, and attach such penalties thereto as will more effectually protect the community from the injurious effect of the liquor traffic.

Mr. Kent moved to amend the resolution by making it one of inquiry.

Mr. King moved to lay the resolution and amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Graham and Lewis.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Buskirk, Chowning, Crawford, Cromwell, Dobson, Donham, English, Geddes, Hart, Huffstetter, Humphreys, King, Leviston, McAllister, McConnell, McDonald, Mudget, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Staton, Stuart, Suit, Sweet, Taggart, Wells, and Mr. Speaker—34.

*Those who voted in the negative were,*

Messrs. Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Davis, Dice, Donaldson, Doughty, Douthit, Eccles, Foster, Glazebrook, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Hudson, Huey, Hunt, Kent, Laverty, Lawrence, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McDowell, Miller, Morris, Nel-

son, Shanklin, Spencer, Stanfield, Stover, Struble, Sumner, Thompson, Torbet, Walker, Watson, Williams, Wilson, and Withers—55.

So the resolution and amendment were not laid on the table.

The question then recurred on the adoption of Mr. Kent's amendment.

Which was decided in the affirmative.

The resolution, as amended, was adopted.

On motion by Mr. Suit,

The resolution of Mr. Hudson relative to free banks, was taken from the table, and referred to the select committee on the same subject.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 64. A bill to establish public libraries ;

Was read a second time ; and,

On motion by Mr. Mudget,

The bill was referred to the committee on Education.

On motion by Mr. Buskirk,

No. 24. A bill providing a remedy for the illegal reduction of the aggregate value of real estate in the several counties in this State, and the engrossed amendments of the Senate thereto ;

Were taken from the table and considered.

The question being on concurring in the engrossed amendments of the Senate, and the question being put :

It was decided in the affirmative.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Hanna,

The House adjourned to meet to-morrow morning, 9 o'clock.

THURSDAY MORNING,  
January 8, 1852. }

The House met.

The Journal of the preceding day was read.

PETITIONS, MEMORIALS, REMONSTRANCES, &C., PRESENTED.

By Mr. Spencer,  
Three memorials from sundry ladies and gentlemen of this State,  
on the subject of temperance;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Hay of Clark,

The memorial of sundry ladies of this State, on the subject of  
temperance;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Brady,

The petition of John Essary and 37 others of Marion county,  
praying for a law restraining the sale of ardent spirits;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Beeson,

Two memorials, from sundry ladies and gentlemen of this State,  
on the subject of temperance;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Spencer,

The remonstrance of sundry citizens of Ohio county, against  
changing the location of a certain State road in said county;

Which,

On motion,

Was referred to the Judiciary committee with the following in-  
structions:

To inquire into the constitutionality of the law prayed for, and if  
determined constitutional, to report a bill or otherwise.

By Mr. Shanklin,

Two memorials from sundry ladies and gentlemen of Madison  
county on the subject of temperance;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Hicks:

Two memorials from sundry citizens of Jennings county, on the subject of temperance.

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Stevens:

A memorial from sundry citizens of Decatur county, on the subject of temperance.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Helmer:

Sundry memorials from sundry ladies and gentlemen of the State of Indiana, on the subject of temperance.

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Wilson:

Two memorials from sundry ladies and gentlemen of the State of Indiana, on the subject of temperance.

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Buskirk:

A memorial from sundry citizens of the State of Indiana, on the subject of temperance.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Harrison:

A communication from the county surveyor and others of Jasper county, relative to swamp lands.

Which,

On motion,

Was referred to the committee on Swamp Lands.

#### REPORTS FROM COMMITTEES.

Mr. Donaldson, chairman of the committee on Elections, reported the following bill:

No. 71. A bill to provide for the election of State and county officers, and repealing all former acts inconsistent with the same.

Which was read a first time, and passed to a second reading.

Mr. McAllister, from the committee on Agriculture, made the following report:

MR. SPEAKER:

The committee on Agriculture, to whom was referred the petition of sundry citizens of Steuben county, requesting a change in regard to the rates of tolls taken by millers, have had the subject under consideration, and have directed me to report that they deem it inexpedient to legislate on the subject, and respectfully ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. McDowell, from the committee on Corporations, made the following report:

MR. SPEAKER:

The committee on Corporations, to whom was referred general provisions respecting corporations, have had that subject under consideration, and have directed me to report the following bill for the incorporation of county libraries, and respectfully to recommend its passage.

No. 72. A bill for the incorporation of county libraries;  
Which was read a first time, and passed to a second reading.

On motion by Mr. Stuart, chairman of the committee on the organization of courts of justice, a certain memorial on the subject of temperance, heretofore referred to said committee, was referred to the committee on Temperance.

The Speaker laid before the House the following communication from the Governor:

EXECUTIVE DEPARTMENT, }  
INDIANAPOLIS, Jan. 8th, 1852. }

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives:*

SIR:—You will please lay the enclosed communication before the body over which you preside.

Yours, &c.,  
JOSEPH A. WRIGHT.

*To the House of Representatives :*

GENTLEMEN:—In answer to your resolution of the 30th of December, asking for information in relation to the Governor's House, the cost to the State of repairs, &c, the undersigned respectfully sheweth that it is impossible to ascertain the true cost per year in keeping up the property, as the same is frequently connected with other expenditures and appropriations. So far as he has been able to obtain the facts, they are as follows:

The property cost the State in the year 1849, the sum of ten thousand dollars. During that year and the succeeding one, a considerable amount was expended in furnishing the House; the amount, cannot however, be definitely known.

Commencing with the year 1842, the books show the following expenditures, to-wit:

1842.....	\$535 03
1843.....	225 89
1844.....	638 62
1845.....	86 83
1846 and 1847.....	855 15
1848.....	194 81
1849.....	154 28
1850.....	1,309 56
1851.....	484 87

For ten years.....	\$4,485 04
Making \$448 50 per year.	

There is no insurance on the property. The house and lot of ground would sell for eight thousand dollars. The personal property one thousand dollars. The whole property of the value of nine thousand dollars.

It will require during the next five years, to keep up the property and make the necessary repairs in building a stable, wood-house, carriage-house and cistern, an amount of expenditure of not less than six hundred dollars per annum.

Respectfully yours, &c.,

JOSEPH A. WRIGHT.

Which,

On motion by Mr. Buskirk,

Was referred to the committee on Public Buildings.

## RESOLUTIONS OF THE HOUSE.

Mr. Withers offered the following resolution :

*Resolved*, That all bills originating in the house, shall be printed and that 200 copies shall be printed for the use of the house, and 100 copies for the use of the Senate.

Which was not adopted.

On motion by Mr. Stanfield,

*Resolved*, That the Auditor of State be requested to procure at the earliest practicable period, from the auditor of each county, the amount of road tax and road labor of his county for the year 1851, the number of supervisors in his county and the amount allowed to each for services as such during the year aforesaid, and lay such information before this house as soon as the same can be procured.

On motion by Mr. Williams,

*Resolved*, That the committee on Corporations be instructed to inquire into the expediency of providing a general levee law.

On motion by Mr. Hanna,

*Resolved*, That while this House is employed in the business of legislation it should recollect that this is the 8th of January, a day rendered signally glorious in the history of our National affairs.

Mr. Beeson offered the following resolution :

WHEREAS, It is our duty to do something for the advancement of the great and noble cause of temperance—

*Resolved*, That this Legislature procure a copy of Fowler's Philosophy for every family in this State, and forward the same to said families.

Which,

On motion by Mr. Gunn,

Was laid on the table.

Mr. Graham offered the following preamble and resolution :

WHEREAS, Much imperfection at this time exists in the plans and style of architecture, now in use, and also in the arrangement of



the seats, and height of the ceiling, in our school houses throughout the State, requiring small children, in consequence of the seats being too high, to sit with their feet dangling in vain effort to reach the floor, producing swelling and stiffness of the lower extremities; and also, without backs to those seats to support themselves against producing the effect called "stoop-shoulder," and often what is infinitely worse, actual disease, or curvature of the spine, in consequence of the tender condition of the bony system of children:

*Resolved, therefore,* That the committee on Education be respectfully, but earnestly requested to inquire into the propriety of fixing upon some plan to remedy the grievances above referred to, and make it a part of the common school law.

Which was adopted.

Mr. Walker offered the following preamble and resolution:

**WHEREAS,** Some counties in the State elect their commissioners by districts—

*Resolved,* That the committee on Elections be instructed to inquire into the expediency of so amending the election law that there shall be three districts laid off in each county as nearly equal as possible, so as not to divide a township, and there shall be three commissioners elected, one from each district, the polls to be opened in every precinct in the county for the election of said commissioners.

The resolution was adopted.

On motion by Mr. Nelson,

*Resolved,* That the committee of Ways and Means be instructed to inquire into the expediency of reporting a bill authorising the Auditor to exercise discretionary power to investigate accounts when presented to him for warrants; and that he be required hereafter to compile in his annual report a detailed list of all warrants issued for that purpose, and the amount.

On motion by Mr. Reynolds,

*Resolved,* That the committee on the Rights and Privileges of the Inhabitants of this State be instructed to inquire into the cause of delay of newspapers and other documents forwarded by members to their constituents and friends, and that said committee be requested to report to this House as soon as practicable.

On motion by Mr. Foster,

*Resolved*, That the Judiciary committee is requested to inquire into the propriety of reporting a bill to this House, making it the duty of the prosecuting attorney to prosecute all county officers for malfeasance or misfeasance in office by presentment before the circuit court, (not by indictment by the grand jury of the county.)

Mr. Miller offered the following resolution :

*Resolved*, That it is the sense of this House that the present grand jury system is too weak to protect the innocent, and not sufficiently strong or certain to bring the guilty to justice, and ought to be abolished, and open examinations substituted in its place, and that every person should have the right to be heard by himself, herself, or counsel, in the incipency of any charge.

Mr. Manson moved to lay the resolution on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Miller and Stuart.

*Those who voted in the affirmative were,*

Messrs. Beach, Behm, Brady, Bryant, Bulla, Buskirk, Caapenter, Chowning, Cockrum, Cowgill, Cromwell, Davis, Dice, Dobson, Doughty, Eccles, Foster, Geddes, Gibson, Glazebrook, Goudy, Graham, Gunn, Hart, Hay of Clark, Helmer, Holliday of Parke, Hostetter, Hudson, Huffstetter, King, Laverty, Lawrence, Lindsey of Fayette, Lindsay of Howard, Manson, Mayfield, McAllister, McConnell, Nelson, Porter, Schoonover, Scudder, Shanklin, Spencer, Stanfield, Staton, Stevens, Stover, Suit, Taggart, Thompson, Walker, Watson, and Mr. Speaker—55.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Beeson, Crawford, Donaldson, Douthit, English, Hanna, Harrison, Hays of White, Henry, Hicks, Holliday of Blackford, Holman, Huey, Hunt, Kent, Leviston, Lewis, Litchfield, Major, McDonald, McDowell, Miller, Morris, Mudget, Ray, Reynolds, Smith of Marion, Smith of Spencer, Struble, Stuart, Sumner, Sweet, Torbet, Wells, Williams, Wilson and Withers—39.

So the resolution was laid on the table.

Mr. Torbet offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to report a bill for the organization of a grand jury in each county in this State, embodying the following provisions :

1st. The grand jury shall consist of as many resident householders as there are townships in the county, to be originally selected from the several townships.

2d. The mode of selecting them shall be the same as now.

3d. Their jurisdiction shall extend to all crimes and misdemeanors punishable by imprisonment or fine in any sum not exceeding \_\_\_\_\_ dollars.

4th. Three-fourths shall be sufficient to find a bill of indictment.

5th. The secret feature of the present system shall be retained.

Also, that said committee be instructed to incorporate in the criminal code a section or sections providing for the final trial of persons committed to prison during the session of a court and after the adjournment of a grand jury, without previous finding of an indictment.

Mr. Gibson offered the following amendment to the resolution:

Amend by adding in the proper place "such grand jury shall take cognizance of such offences as may be charged before them, on oath, or brought there by recognizance, and no other."

Which was adopted.

Mr. Smith of Spencer moved to amend the resolution by adding at the proper place "provided the number of townships amount to seven;"

Which motion did not prevail.

Mr. English moved to amend the resolution by striking out the 5th provision;

And the question being put:

The ayes and noes were demanded by Messrs. English and Miller.

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Beeson, Cowgill, Crawford, Douthit, English, Graham, Hanna, Harrison, Hart, Hays of White, Henry, Hicks, Holliday of Blackford, Huey, Kent, Leviston, Lewis, Major, Manson, McAllister, McDowell, Miller, Morris, Owen, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Struble, Stuart, Sumner, Sweet, Taggart, and Withers—37.

*Those voting in the negative were,*

Messrs. Beach, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cromwell, Davis, Dice, Dobson, Doughty, Eccles, Foster, Geddes, Gibson, Glazebrook, Goudy, Gunn, Hay of Clark, Helmer, Holladay of Parke, Hostetter, Huffstetter, Hudson, Hunt, Laverty, Lawrence, Lindsey of Fayette, Lindsay of Howard,

Litchfield, Mayfield, McConnell, McDonald, Mudget, Nelson, Scudder, Shanklin, Spencer, Stanfield, Staton, Stevens, Stover, Suit, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—54.

So the 5th provision was not struck out.

On motion by Mr. Torbet,

The resolution was laid on the table.

Mr. Beach offered the following resolution:

*Resolved*, That the further consideration of the grand jury question be postponed until three weeks from to-day, at 10 o'clock, A. M.

Mr. Miller moved to amend the resolution, by striking out "three" and insert "two."

Which motion did not prevail.

The question being on the adoption of the resolution;

It was decided in the affirmative.

On motion by Mr. Litchfield,

*Resolved*, That the Judiciary committee be requested to report whether, in their opinion, power could be constitutionally conferred upon the board doing county business to regulate the running at large of stock in their respective counties.

By unanimous consent of the House, Mr. Carpenter introduced

No. 13. A joint resolution instructing our Senators, and requesting our Representatives in Congress to procure the site for a National Armory on the waters of the Ohio River, at Evansville, within the State of Indiana.

Which was read a first time.

Mr. Carpenter moved to suspend the rule, and read the joint resolution a second time.

Which motion did not prevail.

By unanimous consent of the House, Mr. Lindsey of Fayette, introduced

No. 73. A bill to repeal certain acts therein named.

Which was read a first time, and passed to a second reading.

By unanimous consent of the House, Mr. Geddes introduced

No. 74. A bill regulating interest upon contracts.

Which was read a first time, and passed to a second reading.

Mr. Beeson, by unanimous consent of the House, introduced

No. 75. A bill to abolish the grand jury system.

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House bills on second reading.*

No. 65. A bill authorizing circuit courts to change the names of persons and corporations ;

Was read a second time.

On motion by Mr. Gibson,

The bill was referred to the committee on the Judiciary.

No. 66. A bill to provide for the several prosecuting attorneys of this State, to occupy the grand jury room as an office, free of charge;

Was read a second time.

On motion by Mr. Spencer,

The bill was referred to the committee on the Judiciary.

No. 67. A bill to change the time of holding courts in the 8th judicial circuit ;

Was read a second time.

On motion by Mr. Stuart,

The bill was referred to a select committee of three from the 8th judicial circuit.

Messrs. Stuart, Hays of White, and Cowgill, were appointed said committee.

#### SENATE BILLS ON SECOND READING.

No. 28. A bill to protect railroads, and the property of railroad companies, and the persons and lives of passengers ; to prevent frauds and impositions upon railroad and canal companies, and to secure freight and damages, in certain cases ; defining the crimes and fixing the punishments for the violation of this act, and providing for service and process, and limiting certain actions ;

Was read a second time.

On motion by Mr. Gibson,

The bill was referred to the committee on the Judiciary.

No. 39. A bill providing for the change of the titles of rail road, plank road, or McAdamized road, or other incorporated companies, in this State;

Was read a second time; and,

On motion by Mr. Stanfield,

The bill was referred to the committee on the Judiciary.

#### HOUSE BILLS ON THIRD READING.

No. 21. A bill to limit the number of grand jurors, and to point out the mode of their selection, and repealing all laws inconsistent with this act;

Was read a third time.

On motion by Mr. Beach,

The consideration of the bill was postponed until the 29th inst.

No. 60. A bill to empower rail road companies to receive lands, lots and other property in subscription of stock;

Was read a third time.

And the question being put, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Dice, Doughty, Douthit, Eccles, Foster, Geddes, Glazebrook, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Spencer, Staton, Stevens, Stover, Suit, Sumner, Sweet, Thompson, Walker, Watson, and Wilson—70.

*Those who voted in the negative were,*

Messrs. Behm, Cowgill, Davis, Dobson, Hart, Holman, Lewis, Owen, Schoonover, Smith of Spencer, Struble, Taggart, Torbet, Wells, Williams, and Withers—16.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

## HOUSE BILLS ON SECOND READING.

No. 68. A bill for the formation of agricultural societies, and the encouragement of agriculture ;

Was read a second time.

Mr. Stover moved to refer the bill to the committee on Agriculture ;

Pending which,

On motion by Mr. Williams,

The bill was laid on the table, and 100 copies ordered to be printed.

No. 69. A bill to authorize the formation of voluntary associations ;

Was read a second time.

Mr. McDowell offered the following amendment to the bill.

Add to section 14,

And the directors of any company that may be formed under the provisions of this act, shall be liable in their individual property for any debt they may contract in the name of the company as aforesaid, over and above the solvent stock of any company formed as aforesaid.

Which was adopted.

Mr. Smith of Marion moved to refer the bill to the committee on the Judiciary ;

Which motion did not prevail.

The question then recurred on ordering the bill to be engrossed,

And being put :

It was decided in the affirmative.

No. 70. A bill to establish courts of common pleas, and defining the jurisdiction and duties of judges thereof.

Mr. Stuart moved to suspend the rule and read the bill a second time by its title ;

And the question being put :

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Beeson, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Cromwell, Dobson, Doughty, Douthit, Ec-

cles, English, Foster, Gibson, Goudy, Graham, Gunn, Hays of White, Holliday of Blackford, Hudson, Kent, King, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Mayfield, McAllister, Nelson, Owen, Ray, Schoonover, Shanklin, Smith of Marion, Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Walker, and Mr. Speaker—50.

*Those who voted in the negative were,*

Messrs. Beach, Behm, Cockrum, Crawford, Davis, Dice, Geddes, Glazebrook, Hanna, Harrison, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Hostetter, Huey, Huffstetter, Lavery, Lawrence, Major, Manson, McDonald, McDowell, Miller, Mudgett, Reynolds, Scudder, Smith of Spencer, Staton, Stover, Thompson, Torbet, Watson, Wells, Williams, and Withers—38.

So the rule was not suspended, two-thirds not voting therefor.

On motion by Mr. Beeson,

The House adjourned until two o'clock, P. M.

2 o'clock, P. M.

The House met.

No. 70. A bill to establish courts of common pleas, and defining the duties and jurisdiction of the judges thereof,

Pending at the adjournment, was read a second time.

Mr. Spencer moved to amend the bill by striking out all after the enacting clause, and insert the following:

That the State be divided into fifteen districts, for each of which a probate judge shall be elected, who during his continuance in office shall preside therein.

SEC. —. Each probate judge shall hold his office for four years, and until his successor is chosen and qualified, if he shall so long behave well; shall be commissioned by the Governor, and before entering upon the discharge of any of the duties of his office, shall take the oath to support the constitution of the United States and of this State, and the oath of office.

SEC. —. Each court held in the respective counties of said dis-



tricts shall be called and styled "———— probate court," according to the name of the county in which it may be holden.

SEC. —. The probate court of each county shall be holden therein at such times and places as shall be fixed by law.

SEC. —. Each probate court hereby organized shall have a seal devised by the judge thereof, a description signed by such judge shall be filed by the clerk and recorded.

SEC. —. Each probate court within and for the county for which it is organized, shall have original and exclusive jurisdiction in all matters relating to the probate of last wills and testaments, granting of letters testamentary, of administration, and of guardianship; of all matters relating to the settlement and distribution of decedents' estates, and the personal estates of minors, the examination and allowance of the accounts of executors and administrators, and of the guardians of minors, and in all suits at law or in equity, upon all demands or causes of action in favor of or against heirs, devisees, legatees, executors, administrators, or guardians, and their sureties and representatives; in the partition of real estate; in the assignment of dower; the appointment of a commissioner to execute a deed on any title bond given by deceased obligor; to authorize guardians to sell and convey any real estate of their wards, in order to reduce the same to assets for the payment of the debts and liabilities of the ward, or debts and liabilities justly chargeable on their estates, and to provide for the wants, education, support, or interests of minors, and the care and support of idiots and lunatics; and the appointment of guardians of the persons and estates of insane persons and idiots.

SEC. —. And the said courts shall have concurrent jurisdiction with the circuit courts of this State, in all suits upon promissory notes, bonds for the payment of money, bills of exchange, and open accounts.

SEC. —. When the subject matter of any suit or proceeding of which the probate court may have jurisdiction, shall be situated in two or more counties, the probate court of the county which shall first take cognizance thereof, by the commencement of proceedings, shall retain the same throughout exclusively.

SEC. —. If in any case cognizable in the probate court, the judge thereof may be or shall have been interested, either as counsel, executor, administrator, guardian, heir, devisee, legatee, or otherwise, such case, and all matters relating thereto, shall be instituted, transacted, prosecuted, heard, and determined in and before the circuit court of the same county; and such court shall have full and complete jurisdiction thereof, and shall be governed in all matters and things touching the same by the provisions of law which govern probate courts in similar cases.

SEC. —. If during the pendency of any such suit or matter, the probate judge shall become disqualified to hear and determine the same, for any of the causes specified in the last preceding section, such suit or matter shall be transferred to the circuit court of such

county, with like effect as if the same had been instituted in such circuit court according to the provisions of the preceding section.

SEC. —. Such probate courts, in exercising the powers and jurisdiction granted to them by law, shall be governed by the same laws and restrictions that appertain to circuit courts, and in the same manner so far as the same may be applicable, and shall have power to grant and issue all writs, rules, citations, or other process, to bring any party or person into court, or to carry the orders, judgments, and decrees of such probate court into effect.

SEC. —. All process issued out of the probate court, and all orders and decrees made or pronounced by such court, shall be executed, returned and enforced, in the same manner, and under like penalties, as the process, orders, and decrees of the circuit court are by law to be executed, returned, or enforced, unless otherwise directed by law.

SEC. —. Probate courts shall have all the powers of circuit courts in coercing answers, making up issues, punishing contempts, and taking bills, petitions, answers in the nature of a cross bill, or other pleadings as confessed according to the laws of this State, and the usages and practice of such courts.

SEC. —. Whenever in any suit or proceeding pending in a probate court, in which the parties shall make an issue or issues of fact, or in which according to the usages and practice of courts it may be proper that an issue or issues of fact, or a comprehensive note and entry thereof be made, such probate court shall be authorized to order such issue or entry, when so made, to be docketed for trial at the term of the court next after the docketing thereof, unless the parties can sooner be ready for the trial thereof.

SEC. —. Whenever any issue is pending proper to be tried by a jury, a venire for a jury shall issue by order of the court, or may be issued by the clerk at the request of either party having the right to have the same tried by a jury.

SEC. —. The court in its discretion may order a jury to be selected by the clerk and sheriff by lot from the panel of petit jurors selected for the preceding term of the circuit court last holden in such county; but if no such order is made, the sheriff shall select such discreet and disinterested persons as he may deem proper, who are freeholders or householders of such county.

SEC. —. Jurors duly summoned in such probate court shall be compelled to attend in like manner and under like penalties as in the circuit courts.

SEC. —. If any or all of the jurors summoned to attend, fail to appear, or having appeared, are rejected or set aside, in whole or in part, for any cause, other jurors may be summoned forthwith, in such manner as the court shall direct; and in all cases the parties may challenge jurors peremptorily, or for cause, as in the circuit court.

SEC. —. Trials by jury in the probate court shall be governed

in all cases as similar trials in the circuit courts ; and writs of inquiry may in like manner be awarded and executed ; the verdicts of juries be set aside, and new trials granted, and a venire de novo awarded.

SEC. —. Judgment and decree may be rendered upon the verdict of such jury, judgment arrested, and such other and proper orders or proceedings had thereon, as in other courts of record.

SEC. —. Witnesses necessary for any party may be summoned, and their attendance enforced, in like manner, and under like penalties as in the circuit courts ; and depositions may be taken for the same reasons, and in like manner, and admitted as evidence under the same rules as in such circuit courts.

SEC. —. All process issuing out of the probate court shall be tested by the clerk, and, with the exception of subpœnas for witnesses, shall be sealed with the seal thereof.

SEC. —. Writs of summons, of citation, of subpœna, and of execution, may issue as a matter of course, upon the filing of a declaration, a precipe, bill, or other requisite preliminary proceeding, as the case may be.

SEC. —. Writs of attachment and of distringas shall issue only when ordered by the court, and shall be returnable at such time as the court shall direct ; and subpœnas for witnesses shall be returned at any time after service thereof, or when ordered to be returned by the party at whose instance the same may have been issued.

SEC. —. Citations, unless otherwise required by law, shall be returned at such day of any term of the court as such court shall direct.

SEC. —. All other process, for the return of which no specific time is required by law, shall be returnable on the first day of the term next ensuing the time of issuing the same.

SEC. —. The jurisdiction of each probate court, in regard to the issuing and enforcing the due return of process, shall be co-extensive with the limits of the State ; and the sheriff or other proper officer of any county into whose hands any such process shall come, shall receive, execute, and return the same in like manner as he is required in cases of process issued out of any circuit court.

SEC. —. Unless otherwise specially provided for by law, if a summons, citation, or any original or mesne process whatever, returnable to the first day of the term, is executed twenty days before the return day thereof, and the party required to appear shall fail so to do, he shall be liable to judgment or decree by reason of his default, or to an attachment for contempt, as the case may require, and where no rules or regulations of law require a different course, such court shall proceed therein in like manner as is prescribed or required in similar cases in the circuit court.

SEC. —. The several probate courts shall have the same power and authority, under like restrictions and rules of law, to enforce and execute their orders, rules, judgments, and decrees that belong to circuit courts, in attachment and fine, fieri facias, venditioni ex-

ponas, or *capias ad satisfaciendum*; and all such writs shall be issued and executed, and returnable according to the laws of this State authorizing the issuing, execution, and return of such writs in the circuit courts.

SEC. —. All judgments and decrees of the probate courts, and executions issued thereon, shall have the same force and effect as liens upon the estate and property of the parties against whom the same may be rendered, as similar judgments and decrees in the circuit courts, and under the same rules and provisions of law.

SEC. —. Any person aggrieved by an order, sentence, judgment, decree, or denial of any probate court, may, by appeal or writ of error, take the same to the supreme court upon the terms and conditions prescribed by law.

SEC. —. The supreme court shall have the same jurisdiction thereof, and shall entertain, hear, and determine the same in all respects as in cases of appeal and writs of error in the supreme court to correct the errors of circuit courts.

SEC. —. Such writs of error and appeals shall be granted and conducted, and execution on the judgment or decree of the probate court shall be stayed or superseded on the same terms and conditions as in other cases in the supreme court.

SEC. —. It shall be the positive duty of probate courts, *ex officio*, to compel by citation and attachment, all executors, administrators, and guardians, to appear at proper times, and file inventories of estates entrusted to their administration, and on the settlement of estates, to make and file an account current, exhibiting fully and completely all receipts and expenditures, and the exact amount in their hands, and the deductions proper to be made therefrom for their charges and expenses as such executors, administrators, and guardians, and to compel a final settlement of the estates and matters entrusted to them, without any unnecessary delay.

SEC. —. It shall be the duty of said courts to examine the bonds of all guardians at least once in every two years; and if, upon such examination, any such courts shall have doubts of the solvency or sufficiency of the sureties in any such bond, the court shall cite such guardian to show cause why he shall not execute a new bond, with surety or sureties to the satisfaction of the court.

SEC. —. If, upon the hearing of such matter, the court shall require a new bond with sufficient sureties, and such guardian shall fail to comply with the order of the court, he shall be removed from his said trust, and his letters revoked and rescinded and another guardian appointed in his place.

SEC. —. The said probate judges shall hold three terms in each year in the respective counties of such district.

SEC. —. If, however, the circuit court for the county shall happen at the time herein prescribed for the sitting of the probate court, such probate court shall commence its term on the Monday next following such term in such circuit court.

SEC. —. The clerk of the circuit court and sheriff of the county, or other officer acting as such, shall be the clerk and executive officer of the probate court.

SEC. —. It shall be the duty of the clerk to keep a fair record of all rules, orders, judgments, decrees, and other proceedings of the probate court, separate from the records of the circuit court, in books which he shall provide at the expense of the county.

SEC. —. Such clerk shall keep a docket of all suits, motions, or other matters and proceedings pending in said court, and of all letters testamentary, and of administration, and the proceedings thereon, until the same shall be finally settled; and shall provide as aforesaid and keep complete record books, in which he shall, as soon as the same can be reasonably done, make a complete record of such suits, motions, matters, and proceedings, as they are finally ended and determined.

SEC. —. It shall be the duty of such sheriff, or officer executing the duties of sheriff, to attend such court during the session thereof, and to serve and deliver all rules and orders, and execute all process emanating from any probate court in this State, and directed to him.

SEC. —. The said courts shall have power to issue and direct writs of mandamus, prohibition, quo warranto, habeas corpus, ne exeat, and all other writs and processes to courts of inferior jurisdiction, and to corporations and individuals, which shall be necessary to the furtherance of justice, and the regular execution of the laws; and to issue and direct all other writs and processes which may be necessary to carry their powers as such courts into effect, according to the course of the common law or of chancery, and the practice and usages of courts, not inconsistent with the constitution and laws of this State.

SEC. —. The said probate courts respectively shall have full power and authority to administer all necessary oaths and affirmations, and punish, by fine and imprisonment, or either, all contempts of their authority and process in any cause or matter before them or by which the proceedings of the court or the due course of justice is interrupted.

SEC. —. The said court shall, from time to time, adopt rules for regulating the practice and conducting business therein, not repugnant to the Constitution and laws of this State: and in every thing relating to simplifying, shortening and expediting the pleadings, proceedings and decisions of causes, presenting distinctly and fully the point in issue on trials by jury, the diminishing of costs, and the remedying of all abuses and imperfections that may be found to exist in the practice, the rules of such probate courts shall be in conformity with those prescribed by the supreme court on the same subjects.

SEC. —. Any judge of a probate court shall be competent to preside in, or hold any probate court within any county of this State, the judge of the circuit to which such county belongs being absent; and said judge, so presiding in or holding such court, may continue

the session thereof during any entire term, or during the progress of any trial or trials, or for any less time.

SEC. —. The respective probate courts, while in session, and the judges thereof within their respective circuits, shall have full power and authority, and it shall be their duty to act as conservators of the peace, and to take all necessary recognizances and obligations for good behavior, to keep the peace, or to answer any offence or criminal charge in the court having jurisdiction thereof.

SEC. —. There shall be no discontinuance of any suit, process, matter, or proceeding whatever, returnable to or pending in any probate court, although the judge thereof shall fail to attend at the commencement or any other day of the term.

SEC. —. If the judge as aforesaid shall not attend, the sheriff, or in his absence the clerk of said court may adjourn the same for two days successively, and if the judge shall not attend on the third day, or having attended one day, shall fail to attend on a subsequent day of the term, the court shall stand adjourned until court in course.

SEC. —. If a court shall not sit in any term, all suits and matters depending in said court shall stand continued until the next succeeding term.

SEC. —. If at the end of the term of any court, any suits or matters depending therein are undetermined, the same shall stand continued until the next succeeding term.

SEC. —. It shall be the duty of the clerk of the said court to draw up each day's proceedings at full length, and the same shall be publicly read in open court, and corrected when necessary; after which they shall be signed by the judge, and no process or execution shall issue on any judgment or decree of the court until it has been so read and signed.

Pending which, \*

On motion by Mr. Spencer,

The bill and pending amendments were laid on the table, and 150 copies of each were ordered to be printed.

#### SENATE BILLS ON THIRD READING.

No. 11. A bill for the government of the Indiana Hospital for the Insane and the care of the Insane in Indiana.

Was read a third time.

The question being put, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis,

Dice, Dobson, Doughty, Douthit, Eccles, English, Geddes, Goudy, Graham, Gunn, Hanna, Harrison, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holliday of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Hunt, King; Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Spencer, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—82.

*Those who voted in the negative were,*

Messrs. Beeson, Foster, Smith of Marion, and Staton—4.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

The Speaker laid before the House the following resolution of the State Board of Agriculture now in session in this city :

*Resolved*, That the members of the Senate and House of Representatives be requested to attend the meetings of the State Board of Agriculture now in session, when convenient, and particularly at our night sessions, and participate in the deliberations and discussions of the Board; and that the secretary furnish a copy of this resolution to both Houses.

Adopted January 8, 1852.

A message from the Senate by Mr. Dunn, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed joint resolution of the House, with the following engrossed amendment of the Senate thereto:

No. 11. A joint resolution in relation to a donation of public lands for a geological and topographical survey.

In which the concurrence of the House is respectfully requested.

The amendment of the Senate to the foregoing joint resolution was concurred in.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House, with the following engrossed amendments of the Senate thereto :

No. 11. An act to authorize the Secretary of State to furnish the clerk's offices of the several counties copies of the local and general laws, and providing for binding the same.

In which the concurrence of the House is respectfully requested.

The engrossed amendment of the Senate to the bill contained in the foregoing message, was concurred in.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. King,

No. 9. A joint resolution in regard to newspaper postage;

Was taken from the table.

The question being on concurring in the engrossed amendments of the Senate to the joint resolution ;

Mr. King moved to concur in the amendments of the Senate, with the following amendment :

Strike out the Senate's engrossed amendment, and insert in lieu thereof the following: "The franking privilege shall be retained only by the heads of departments of the Government at Washington, and by postmasters. under present or other reasonable regulations, and for the purpose of strictly official business: but shall not be granted or allowed to members of Congress for any purpose whatever.

On motion by Mr. English,

The whole subject was laid on the table.

Mr. Withers moved that the House adjourn ;

Which motion did not prevail.

On motion by Mr. Buskirk,

Leave of absence was granted Messrs. Humphreys and Donham on account of sickness.

On motion by Mr. Spencer,

Leave of absence was granted Mr. Porter.

Mr. Buskirk under the rule gave notice of a motion for leave to introduce a bill re-plotting and re-numbering University lots.

On motion by Mr. Doughty,

No. 23. A bill to compute interest annually on notes and other obligations due administrators, executors and guardians ;

Was taken from the table.



Mr. Hanna moved to indefinitely postpone the bill.

And the question being put,

The ayes and noes were demanded by Messrs. Doughty and Suit.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Bryant, Carpenter, Chowning, Cowgill, Dobson, Eccles, Foster, Graham, Gunn, Hanna, Harrison, Hays of White, Henry, Hicks, Holliday of Parke, Holladay of Blackford, Huffstetter, Lewis, Litchfield, Major, McDowell, Morris, Mudget, Ray, Schoonover, Spencer, Stover, Stuart, Suit, Sweet, Watson, Wilson, and Mr. Speaker—36.

*Those who voted in the negative were,*

Messrs. Beeson, Behm, Brady, Bulla, Buskirk, Cockrum, Crawford, Crim, Cromwell, Davis, Dice, Doughty, Douthit, English, Geddes, Hay of Clark, Helmer, Holman, Hostetter, Hudson, Huey, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, Mayfield, McAllister, McDonald, Miller, Owen, Porter, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Sumner, Taggart, Thompson, Torbet, Walker, Wells, and Withers—52.

So the bill was not indefinitely postponed.

The question then recurred on the passage of the bill;

And the question being put,

*Those who voted in the affirmative were,*

Messrs. Beeson, Bulla, Buskirk, Carpenter, Cockrum, Crawford, Crim, Davis, Dice, Doughty, Geddes, Graham, Helmer, Holman, Hostetter, Hudson, Huey, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McAllister, Porter, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Sumner, Taggart, Thompson, Walker, Wells, and Withers—45.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Chowning, Cowgill, Cromwell, Dobson, Douthit, Eccles, English, Foster, Goudy, Gunn, Hanna, Harrison, Hay of Clark, Hays of White, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Huffstetter, Litchfield, McDonald, McDowell, Miller, Morris, Mudget, Owen, Ray, Schoonover, Spencer, Stanfield, Stover, Stuart, Suit, Sweet, Torbet, Watson, Wilson, and Mr. Speaker—44.

So the bill did not pass, a majority of all the members of the House elected, not voting therefor.

Mr. Owen, by unanimous consent, offered the following resolution :

*Resolved*, That the committee on public buildings be instructed to report a bill for the sale of the Governor's House, and the personal property thereto appertaining.

Which was adopted.

On motion by Mr. Withers,  
The House adjourned.

FRIDAY MORNING, 9 o'CLOCK, }  
January 9th, 1852.

The House met.

The journal of the preceding day was read.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Struble:

Sundry petitions on the subject of temperance, making, in all, 15 yards in length.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. King:

A temperance memorial from sundry ladies and gentlemen of the State.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Mudget:

The petition of sundry citizens of the counties of De Kalb and Steuben, praying for the reduction of the tolls of millers for grinding, &c.

Which,

On motion,

Was referred to the committee on the Rights and Privileges of the people of this State.

By Mr. Hicks:

Two temperance memorials from 45 ladies from Jennings county.

Which,

On motion,

Were referred to the committee on Temperance.

By M. Dobson:

The petition of the citizens of Congressional township No. 9, in Owen county, relative to common schools.

Which,

On motion,

Was referred to the committee on Education.

By Mr. Miller:

The petition of the citizens of Pleasant Grove, in Fulton county, praying the name of said town to be changed to that of Kewana.

Which,

On motion,

Was referred to a select committee of three.

Messrs. Miller, Leviston, and Eccles, were appointed said committee.

#### REPORTS FROM COMMITTEES.

Mr. Donaldson, chairman of the committee on Elections, reported

No. 76. A bill to provide for the election of electors of President and Vice President of the United States, and the compensation of certain officers and persons in relation to elections, and repealing all laws inconsistent with this act;

Which was read a first time, and passed to a second reading.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 32, "a bill to enable the board of commissioners of Porter county to borrow money for certain purposes," with instructions to inquire into the expediency of making the provisions general, have had the same under consideration, and directed me to report that, independent of the constitutional questions involved in the consideration of the bill with reference to its special application, the com-

mittee are of the opinion that to confer upon counties in their corporate character a right which, upon the same terms, is not granted to other natural and artificial persons of the State, as to borrow money at a higher rate of interest than is allowed to other persons, would be in violation, if not of the letter, of the spirit of the 23d section, article 4, and 23d section of article 1 of the constitution. And independent of the constitutional questions, the committee deem it inexpedient to pass a general law authorizing counties to borrow money for any purpose at high or any rate of interest, as inconsistent with the general policy of the State. Said committee therefore recommend that said bill be laid upon the table, and they ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Huey, from the committee on Roads, made the following report :

MR. SPEAKER:

The committee on Roads, to whom was referred a petition of citizens of Randolph and Jay counties, asking the repeal of an act entitled "an act to establish a free turnpike road," &c., have had the same, together with a remonstrance on the same subject, under consideration, and have come to the conclusion that legislation in reference to the matter is unnecessary. The general road law now pending provides for the repeal of all local and special laws upon the subject of highways.

Which was concurred in.

Mr. Beach, from the committee on the Judiciary, made the following report :

MR. SPEAKER:

The committee on the Judiciary, to whom was referred bill of the House, No. 65, "a bill authorizing circuit courts to change the names of persons and corporations," have had the same under consideration, made the following amendments thereto, in which the concurrence of the House is requested, and as amended, respectfully recommend the passage of said bill.

Strike out the 2d section and insert the following:

The application of a person may be made to the circuit court of the county in which such person resides, and of a corporation to the circuit court of the county in which such corporation is situate, or in which its principal office is located.

Strike out the 3d section and insert the following:

Upon a petition being filed for such change, the applicant shall give notice thereto by three weekly publications in some newspaper of general circulation printed and published in the proper county, or if no newspaper be printed and published therein, in a newspaper printed and published nearest thereto, in some adjoining county, thirty days prior to the first day of the term at which such petition shall be heard.

Strike out "thereof," in the 4th section, and insert in lieu thereof, "a copy of such published notice."

Insert after the word "proof," in the 5th line of the 4th section, "of such publication."

Insert after the word "corporation," where it occurs in the 5th section, the following words: "and of such change having been made."

The amendments of the committee were concurred in, and the bill was ordered to be engrossed.

#### RESOLUTIONS OF THE HOUSE.

On motion by Mr. Stover,

*Resolved*, That the Speaker of this house, be authorized to request the Superintendent of the Institution for the Deaf and Dumb, to hold an exhibition, by the Pupils of that Institution, at some convenient time during the session of the Legislature, and tender to them the use of this Hall.

Mr. Withers offered the following resolution:

*Resolved*, That all bills originating from the committees of this House be printed and that 100 copies be for the use of the House and 50 copies be for the use of the Senate.

Mr. Holman moved to amend the resolution, by adding at the proper place, "that bills be ordered to be printed only, where they have been reported by, or referred to, and reported back by a standing committee."

Which was accepted.

The resolution as amended was adopted.

Mr. Doughty offered the following resolution:

*Resolved*, That the Judiciary committee be, and they are hereby instructed to introduce a bill allowing 8 per cent. per annum on all contracts where it is specified in said contract.

Mr. Suit moved to amend the resolution by adding "except contracts made by or with Corporations."

Which was accepted.

Mr. McDonald moved to amend the resolution by striking out 8 and inserting 10 per cent.

Mr. Lindsay of Howard, offered the following amendment to the amendment: "upon actual loans hereafter made."

Which was accepted.

Mr. Douthit moved to indefinitely postpone the resolution.

After some debate,

On motion by Mr. King,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

The question pending at the last adjournment was the motion of Mr. Douthit to indefinitely postpone the resolution of Mr. Doughty, in relation to the increase of interest on contracts, &c.

After some debate,

On motion by Mr. Brady,

The resolution and amendment were laid on the table.

On motion by Mr. Stanfield,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of providing by law that no person shall be held incompetent as a witness on the trial of any suit or proceeding at law, because he is a party thereto, or has any pecuniary interest in the result of the same; but that interest of such person shall go to his credibility only, and report by bill or otherwise.

On motion by Mr. Buskirk,

*Resolved*, That a committee, consisting of one from each congressional district, be appointed, to act with a similar committee on the part of the Senate, to inquire into the expediency of creating a State Board of Equalization; and that the Senate be requested to make the committee already appointed on this subject, a joint committee.

On motion by Mr. Wells,

*Resolved*, That the Auditor of State be instructed to communicate

to this House all the information in his possession in relation to the probable amount and situation of the three per cent. fund ; also, the amount and kind of the bonds of this State held by the United States Government.

On motion by Mr. Donaldson,

Leave of absence was granted Mr. Glazebrook, on account of sickness.

On motion by Mr. Spencer,

*Resolved*, That the committee on the Rights and Privileges of the Inhabitants of this State be, and are hereby instructed to inquire what legislation may be necessary to secure and define the rights and duties of those engaged in steamboating, and the navigation of the waters in and adjoining this State, and the rights and duties of passengers and consignees, &c., and to report by bill or otherwise.

By unanimous consent of the House,  
Mr. Gibson introduced

No. 77. A bill providing for the selection, empannelling, compensation and duties of grand juries ;

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 71. A bill to provide for the election of State and county officers, and repealing all former acts inconsistent with the same.

Was read a second time.

Mr. Donaldson offered the following amendment to the first section of the bill :

*Provided, however*, That the first election for Representatives in Congress shall take place at the general election held in the year 1852, and every second year thereafter.

On motion by Mr. Suit,

The bill and amendment were laid on the table, and 150 copies of each ordered to be printed.

By unanimous consent of the House,

Mr. Hudson offered the following resolution :

*Resolved*, That it shall be the duty of each and every chairman,

when presenting a bill to this House from the several committees, to explain in a brief manner the difference between the bill so presented and the present statute on that subject.

Which was adopted.

No. 72. A bill for the incorporation of county libraries ;  
Was read a second time, and ordered to be engrossed.

No. 73. A bill to repeal certain acts therein named ;  
Was read a second time.

On motion by Mr. Smith of Marion,

The bill was referred to the committee on the Judiciary, with instructions to inquire whether all local laws are not repealed by the new Constitution.

No. 74. A bill regulating interest upon contracts ;  
Was read a second time.

Mr. Geddes moved to refer the bill to the committee on the Judiciary.

Mr. Stover moved to lay the bill on the table.

The question being put,

The ayes and noes were demanded by Messrs. Dobson and Miller.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Brady, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Davis, Dobson, Donaldson, Douthit, Eccles, English, Foster, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Henry, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Lindsey of Fayette, Litchfield, Manson, McAllister, McDonald, McDowell, Miller, Morris, Nelson, Owen, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Stuart, Sweet, Taggart, Torbet, Watson, Wells, Wilson, Withers and Mr. Speaker—55.

*Those who voted in the negative were,*

Messrs. Beeson, Bryant, Bulla, Crim, Dice, Geddes, Gibson, Hay of Clark, Helmer, Hicks, Kent, King, Laverty, Lawrence, Leviston, Lindsay of Howard, Major, Mayfield, Ray, Reynolds, Scudder, Spencer, Stanfield, Stevens, Suit, Sumner, Thompson, and Walker—28.



So the bill was laid on the table.

No. 75. A bill to abolish the grand jury system.  
Was read a second time.

On motion by Mr. Beach,  
The bill was postponed until the 29th inst.

#### HOUSE BILLS ON THIRD READING.

No. 69. A bill to authorize the formation of voluntary associations.

Was read a third time.

And the question being put, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crim, Cromwell, Davis, Dice, Dobson, Donaldson, Douthit, Eccles, English, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Kent, King, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Watson, Wells, Wilson, Withers, and Mr. Speaker—82.

No person voting in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Wilson from the committee on Engrossed Bills made the following report:

MR. SPEAKER:

The committee on Engrossed Bills, have examined bill No. 69, and find it correctly engrossed.

On motion by Mr. Buskirk,  
The House adjourned.

SATURDAY MORNING, 9 o'clock, }  
January 10, 1852. }

The House met.

The Journal of the preceding day was read.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Smith of Marion ;

A communication from the Secretary of the city council of Indianapolis, enclosing a preamble and resolution relative to the amendment of the city charter.

Which,

On motion,

Was referred to a select committee of three, consisting of Messrs. Smith of Marion, Brady and Stanfield.

By Mr. Barker ;

Two memorials from sundry ladies and gentlemen of Dubois county, on the subject of temperance.

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Major ;

Two memorials from sundry ladies and gentlemen of the State of Indiana, on the subject of temperance.

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Dice ;

Two memorials from sundry ladies and gentlemen of Fountain county, on the subject of temperance.

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Stuart ;

Memorials from sundry citizens of the State of Indiana, on the subject of temperance.

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Holman ;

A petition from sundry voters of Miller township, Dearborn county, in relation to altering or amending a certain road law.

Which,

On motion,

Was referred to a select committee, consisting of Messrs. Holman, Torbet and Hart.

By Mr. Torbet :

The petition of the owners of land through which Tanner's creek runs, praying a repeal of all laws, declaring Tanner's creek navigable to Blasdell's mill on said creek ;

Which,

On motion,

Was referred to a select committee of three.

Messrs. Torbet, Holman, and Hart were appointed said committee.

#### REPORTS FROM COMMITTEES.

Mr. Geddes, from the committee on Ways and Means, made the following report :

MR. SPEAKER :

The committee of Ways and Means, to whom was referred the resolution of the House, instructing them to inquire into the expediency of reporting a bill to levy a small additional tax on banks, insurance companies, navigation, canal, railroad and plank road companies, for the benefit of common schools, have instructed me to report the resolution back to the House, and recommend that it be referred to the committee on Education, and ask to be discharged from further consideration of the subject:

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of reporting a bill to levy a small additional tax on the following stocks, to-wit : on all banks, insurance companies, navigation, railroad and plank road companies, for the benefit of common schools.

Which report was concurred in, and the resolution referred to the committee on Education.

Mr. Stuart, from the committee on the Judiciary, made the following report :

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 62, "a bill for the limitation of civil actions," have had the same under consideration, made several amendments thereto, in which the concurrence of the House is requested, and, as amended, respectfully recommend the passage thereof.

Amend as follows:

Strike out the 4th subdivision of the first section.

Insert "official or other" after the word "any," in the third line of second section.

Strike out "sheriff's sale" in the third section and insert the following: "under or by virtue of any judgment or decree of a court of record."

Insert the two following sections between the fourth and fifth sections:

SEC. —. No action shall be maintained for the recovery of any lands or tenements, or of any possessory right thereto or interest therein, against any person who may have been in quiet and peaceable possession for the period of ten years, under an adverse title, either in his own right or in the right of any other person under whom he claims.

SEC. —. All actions against sureties on the official bonds of State, county, or township officers, or against the sureties of executors, administrators or guardians, shall be brought within two years after the expiration of such term of office in the one case, or such fiduciary capacity in the other. *Provided*, Nothing in this act contained shall be taken to bar any right of action against the principal in any such bond, at any period of time within twenty years after the same shall have accrued.

Strike out the word "personal"; also the words "on any contract," in the tenth section.

Insert after the word "act," in the third line of the tenth section as follows: "except as to bank bills or notes circulated as money, to the right of action on which there shall be no limitation whatever."

Strike out the last two sections.

The amendments of the committee were concurred in, and the bill was ordered to be engrossed.

Mr. Brady from the committee of Ways and Means made the following report:

MR. SPEAKER:

The committee of Ways and Means to whom was referred a resolution of the House, directing them to enquire into the expediency of publishing in the county news papers all laws that take effect from

and after their passage, have according to order had the same under consideration, and have directed me to report the same back and ask to be discharged from any further consideration thereof.

Which report was concurred in, and the committee discharged.

Mr. Torbet from the committee of Ways and Means made the following report:

MR. SPEAKER:

The committee on Ways and Means to whom was referred the enclosed resolution, report that it is more properly a subject of inquiry for the committee on Education, and ask that it be referred to that committee.

*Resolved*, That the committee of Ways and Means inquire into the expediency of investing the Common School Fund, in Indiana State Stocks, and report by bill or otherwise, in conformity with article 8th, sec. 4 of the Constitution.

Which report was concurred in, and the resolution was referred to the committee on Education.

#### RESOLUTIONS OF THE HOUSE.

On motion by Mr. Struble,

*Resolved*, That the committee on Education inquire into the expediency of engrafting a provision in the School Law, compelling teachers to keep a definite number of days per quarter, or session, also the number of hours per day.

On motion by Mr. Scudder,

*Resolved*, That the committee on Benevolent Institutions be instructed to report a bill giving the boards of commissioners of the several counties, in their discretion, power to collect from the estates of insane persons, the expenses of conveying such persons to the Indiana Hospital for the Insane, to which they may be sent for care and medical treatment under the existing laws of the State.

By the unanimous consent of the House,

Mr. Stevens presented

A memorial from sundry citizens of the State of Indiana, on the subject of temperance.

Which,

On motion,

Were referred to the committee on Temperance.

## ORDERS OF THE DAY.

*House Bills on Second Reading.*

No. 13. A joint resolution instructing our Senators, and requesting our Representatives in Congress to procure the site for a National Armory on the waters of the Ohio River, at Evansville, within the State of Indiana.

Was read a second time and ordered to be engrossed.

No. 76. A bill to provide for the election of electors of President and Vice President of the United States, and the compensation of certain officers and persons in relation to elections, and repealing all laws inconsistent with this act.

Was read a second time and ordered to be engrossed.

No. 77. A bill providing for the selection, empanneling, compensation, and duties of grand jurors ;

Was read a second time ;

When,

On motion by Mr. Gibson,

The further consideration of the bill was postponed until the 29th inst.

## HOUSE BILLS ON THIRD READING.

No. 65. A bill authorizing circuit courts to change the names of persons and corporations ;

Was read a third time.

The question being put, Shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Davis, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Harrison, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget,

Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker—90.

No person voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 72. A bill for the incorporation of County Libraries ;  
Was read a third time ;

When,

On motion by Mr. Holman,  
The bill was laid on the table.

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the following resolution of the House, to-wit :

*Resolved*, That a committee consisting of one from each Congressional District, be appointed to act with a similar committee on the part of the Senate, to inquire into the expediency of creating a State Board of Equalization ; and that the Senate be requested to make the committee already appointed on this subject a joint committee.

And that Messrs. Holloway, Goodman, Spann, Knowlton, Hunt, Delevan, Witherow, Odell, Kendall, and Washburn have been appointed said committee on the part of the Senate.

A message from the Senate by Mr. Dunn, their secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House, with the following engrossed amendments of the Senate thereto :

No. 52. Entitled an act to abolish the Marion court of common

pleas, and to transfer the proceedings and records to the Marion circuit court :

In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate to the bill contained in the foregoing message were concurred in.

Ordered that the Senate be informed thereof.

Mr. Buskirk, in pursuance of previous notice, obtained leave and introduced

No. 78. A bill to provide for a uniform enumeration of the subdivisions of sections and quarter sections in the township of land in Monroe county reserved for a State Seminary ; and for making out and recording the plats of such subdivisions and the compensation therefor ;

Which was read a first time, and passed to a second reading.

By unanimous consent of the House,

Mr. Lewis offered the following preamble and resolution :

WHEREAS, Much difference of opinion at this time exists as to whether the New Constitution abolishes all local laws, (as decided by Judge Wick of this city, Indianapolis ;)

AND WHEREAS, Many bills will be presented by members of this Legislature for the purpose of abolishing certain local laws, passed years since, affecting certain counties of this State, should said local laws be reported to be in full force and virtue :

*Resolved*, Therefore, that the Judiciary committee be directed to report their opinion upon this subject to this House, to-wit, as follows : whether the New Constitution does or does not abolish all local and special laws, and report to this House.

The resolution was adopted.

Mr. Brady, under the rule, gave notice of a motion for leave to introduce a bill in relation to the printing of public documents.

On motion by Mr. Spencer,

House bill No. 58. A bill providing for laying out, opening, working, or changing and vacating highways, the erection of bridges, the officers intrusted with the care and superintendence of highways and bridges, of the election or appointment and duties of supervisors, and other miscellaneous provisions relating to highways ;

Was taken from the table, and placed on the files of the House.

On motion by Mr. Owen,

The House adjourned to meet on Monday morning, 9 o'clock.



MONDAY MORNING,  
January 12, 1852. }

The House met.

The journal of the preceding day was read.

The Speaker announced the following as the committee of the Board of Equalization, authorised by a resolution of the House on Friday last, to-wit :

From the 1st congressional district,	Mr. Carpenter.
" " 2d	" " Schoonover.
" " 3d	" " Torbet.
" " 4th	" " Doughty.
" " 5th	" " Douthit.
" " 6th	" " Buskirk.
" " 7th	" " Hudson.
" " 8th	" " Beach.
" " 9th	" " Hunt.
" " 10th	" " Henry.

#### REPORTS FROM COMMITTEES.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and find the same correctly enrolled :

No. 11. An act to authorize the Secretary of State to furnish the clerks' offices of the several counties, copies of general and local laws, and providing for binding the same.

No. 24. An act providing a remedy for the illegal reduction of the aggregate valuation of real estate in the several counties of this State.

No. 31. An act to regulate the visiting of the Indiana Hospital for the Insane.

No. 52. An act to abolish the Marion court of common pleas, and to transfer its proceedings and records to the Marion circuit court; and providing for the compensation of the judge of said court.

Whereupon, the Speaker signed the same.

Ordered, that the clerk inform the Senate thereof.

Mr. Holliday of Blackford, from the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills, have compared the following enrolled with the engrossed joint resolution of the House of the corresponding number, and find the same correctly enrolled:

No. 11. Joint resolution in relation to a donation of public lands for a geological, agricultural and topographical survey.

Whereupon, the Speaker signed the same.

Ordered, that the clerk inform the Senate thereof.

Mr. Behm, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 50, a bill to attach township number one north, of range eight west, and sections numbered 31, 32, 33, 34, 35 and 36, in township number two north, of range number eight west, now constituting a part of the county of Knox, to the county of Pike, with instructions to inquire into the constitutionality of said bill, have had the same under consideration, and are of opinion that the only constitutional question involved in the bill is, whether the attaching of the territory contemplated would reduce the county of Knox to less than four hundred square miles; if so, the passage of the bill would be unconstitutional; otherwise, it would not. Said committee have therefore directed me to report said bill back for the further action of the House, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

The question being, shall the bill be engrossed?

Pending which,

On motion by Mr. Nelson,

The bill was referred to a select committee of two, consisting of Messrs. Graham and Williams.

The Speaker laid before the House the following communication from the Superintendent of the Asylum for the Deaf and Dumb:

ASYLUM FOR THE DEAF AND DUMB, }  
 INDIANAPOLIS, January 10, 1852. }

HON. JOHN W. DAVIS:

SIR:—A compliance with the first resolution of the House of Representatives, requesting an exhibition of the educational proficiency of the pupils of this institution, was delayed in consequence of the illness of one or two pupils. The second resolution, kindly forwarded by yourself personally, reached us just as we were preparing to follow to the grave one of the most promising, affectionate and interesting pupils ever received within the Asylum. The death of this scholar, though a mere lad, has cast a gloom over the minds of the pupils, which will not be speedily dissipated.

Under the circumstances, I presume it would be more in accordance with those feelings of paternal interest, ever manifested by the Legislature for the unfortunate, to postpone for a few weeks, the contemplated exhibition. Should considerations unknown to the undersigned, in the judgment of the House, require an earlier compliance with the resolution, the slightest indication of their will would be immediately obeyed.

With sentiments of the highest regard,

Your obedient servant,

JAMES S. BROWN.

Mr. Stanfield from the committee on the Judiciary made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred House bill No. 57, a bill to change the name of the town of Bellefontaine in Marion county, to that of Vertland, have had the same under consideration, and are of the opinion that said bill is unconstitutional. They have therefore directed me to report said bill back to the House and recommend the indefinite postponement thereof.

Which report was concurred in and the bill indefinitely postponed.

Mr. Beach from the committee on the Judiciary made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred bill of the

Senate No. 39, a bill providing for the change of the titles of Railroad, Plank or McAdamized or other incorporated companies in this State, have had the same under consideration, and inasmuch as said bill is of doubtful constitutionality, and said committee having recommended the passage of a bill authorizing circuit courts to change the names of persons and corporations, they have directed me to report said bill of the Senate No. 39 back to the House and recommend the indefinite postponement thereof.

Which report was concurred in, and the bill was indefinitely postponed.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

**MR. SPEAKER :**

The committee on the Judiciary to whom was referred bill of the House No. 39, a bill to legalize the action of school commissioners in cases where the tax duplicates have been made out before the taking effect in their counties of the school law of 1849, with instructions to inquire into the constitutionality of said bill, have had the same under consideration and directed me to report, that while they are of opinion that the passage of said bill would not probably be a violation of the strict letter of the constitution, they are, at the same time of opinion that it would be inexpedient and a violation of the spirit of the constitution. One of the evils sought to be remedied by the constitution is local legislation, and if general laws are passed to be applied to, and for the benefit of particular persons and places, then the object of the constitution fails to be accomplished, and our statutes which should be curtailed as much as possible, will be burdened with laws in a great measure unnecessary and not desired by a great majority of our citizens; said committee therefore recommend that said bill, be laid upon the table, and ask to be discharged from the further consideration thereof.

Which report was concurred in, and the bill was laid on the table.

Mr. Stanfield from the committee on Corporations made the following report:

**MR. SPEAKER :**

The committee on Corporations in obedience to the resolution of the House, herewith report a bill providing a general law for the incorporation of Plank, Gravel and McAdamized road companies and recommend its passage.

No. 79. A bill authorizing the construction of Plank, McAdamized and Gravel roads.

Which was read a first time and passed to a second reading.

Mr. Scudder from the committee on Engrossed Bills made the following report :

**MR. SPEAKER :**

The committee on Engrossed Bills have examined the following House bills, viz:

Nos. 13, 62, 76, and find them correctly engrossed.

Mr. Spencer, chairman of the committee on Banks, made the following report :

**MR. SPEAKER :**

The committee on Banks, to whom was referred a resolution instructing said committee to inquire into the propriety of introducing a general free banking law, have had the same under consideration, and a majority of said committee have instructed me to report that they are in favor of the passage of a free banking law at the present session of the General Assembly, said law to be well guarded, and for that purpose they recommend the incorporation therein, among other provisions, the following, to-wit:

*First.* Bills shall be issued upon the deposit of United States or State stocks to an amount not to exceed the value of such stocks, and that bankers shall be required to keep constantly on hand twenty-five per cent. in specie.

*Second.* Two-thirds of the security deposited may consist of stocks as aforesaid, and one-third in mortgages on unincumbered real estate within the State of Indiana, exclusive of perishable improvements. Said mortgages shall in no case exceed one half of the balance of such unincumbered real estate after excluding improvements as aforesaid, and the twenty-five per cent. in specie to be kept constantly on hand as aforesaid.

*Third.* In determining the kind and value of stocks to be received such slight discrimination shall be made in favor of the bonds of this State as will tend to bring them home, without endangering the security of the bill holder.

*Fourth.* No bank to be established with a less capital than twenty-five thousand dollars.

The majority of said committee instruct me further to report, that as a select committee has been raised on the subject of free banking, it is deemed appropriate to recommend a reference of said resolution and this report to said committee.

Your committee therefore respectfully ask to be discharged from a further consideration of said resolution.

The question being on concurring in the report of the committee, and referring the resolution and report to the select committee on Free Banks;

Pending which,

Mr. McDowell moved to lay the report and resolution upon the table;

And the question being put,

The ayes and noes were demanded by Messrs. McDowell and Holman.

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Bryant, Buskirk, Cockrum, Crawford, Dice, Dobson, Eccles, Foster, Gibson, Graham, Gunn, Hay of Clark, Hicks, Holman, Hudson, Huffstetter, Litchfield, Manson, McDowell, Morris, Nelson, Reynolds, Schoonover, Scudder, Smith of Marion, Spencer, Struble, Sweet, Taggart, Thompson, Torbet, Walker, Wells, and Wilson—36.

*Those who voted in the negative were,*

Messrs. Beach, Beeson, Behm, Brady, Bulla, Carpenter, Chowning, Davis, Donaldson, Doughty, Douthit, English, Geddes, Goudy, Hanna, Harrison, Hart, Hays of White, Helmer, Henry, Holliday of Parke, Hostetter, Huey, Hunt, Kent, Laverty, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Major, Mayfield, McAllister, McConnell, McDonald, Owen, Shanklin, Smith of Spencer, Stanfield, Stevens, Stuart, Suit, Sumner, Wilson, Withers, and Mr. Speaker—47.

So the report and resolution were not laid on the table.

By unanimous consent of the House, Mr. Stover was permitted to record his vote.

The question then recurring on referring the report and resolution to the select committee on Free Banks,

And being put,

The ayes and noes were demanded by Messrs. Spencer and McDowell.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Behm, Brady, Bulla, Chowning, Davis, Donaldson, Doughty, Douthit, Eccles, English, Geddes, Gou-

dy, Hanna, Hart, Hays of White, Helmer, Henry, Holladay of Parke, Huey, Hunt, Kent, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Mayfield, McConnell, McDonald, Miller, Owen, Shanklin, Smith of Spencer, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Wilson, Withers, and Mr. Speaker—46.

*Those who voted in the negative were,*

Messrs. Barker, Bryant, Buskirk, Carpenter, Cockrum, Crawford, Dice, Dobson, Graham, Gunn, Hicks, Holman, Hostetter, Hudson, Huffstetter, Major, Manson, McAllister, McDowell, Morris, Nelson, Schoonover, Scudder, Smith of Marion, Spencer, Struble, Taggart, Thompson, Torbet, Walker, Wells, and Williams—32.

So the resolution and report were so referred.

On motion by Mr. Beach,

Leave of absence was granted to Mr. Staton, on account of sickness in his family.

The Speaker laid before the House the following communications from his Excellency, the Governor:

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives:*

SIR:—You will please lay before the House of Representatives the within communication.

Yours, respectfully,  
JOSEPH A. WRIGHT.

[COPY.]

## INDIANA SIX PER CENT STOCK.

\$100,000.

For \$200,000.

No. 70.

For providing means for the construction of the Wabash and Erie Canal, authorized by an act of the General Assembly of the State of Indiana, approved January 9th, 1832.

*Know all men by these presents,* That there is due from the State of Indiana, unto I. D. Beers & Co., or bearer, the sum of One Thousand Dollars, bearing an interest of six per centum per annum, from the 15th day of August, 1832, payable semi-annually on the first days of January and July, at the Merchants' Bank in the city of New York, on presentation and delivery of the dividend warrants in the

margin hereof, until payment of the principal sum, which principal sum being stock created in pursuance of the act of the General Assembly aforesaid, is on a credit of thirty years, but may be redeemed in whole, or by payment of 50 per cent. on each certificate, at the Merchants' Bank aforesaid, after the period of twenty years from the 15th day of August, 1832, at the option of the State; and that for the payment of the interest, and the redemption of the principal sum aforesaid, these are irrevocably pledged and appropriated all the moneys to arise from the lands donated by the United States for the construction of the Canal, and the Canal itself, with the rents and profits thereof belonging to the State, the sufficiency of which the State of Indiana irrevocably guarantees.

Witness, our hands at Indianapolis, this sixteenth day of August, 1832.

WM. C. LINTON,  
NICHOLAS McCARTY, } *Commissioners.*  
JER. SULLIVAN,

Countersigned,  
SAML. MERRILL, *Treasurer.*

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*Gentlemen of the House of Representatives :*

I enclose you a communication received from I. D. Beers, of the city of New York, on the subject of some bonds he holds against the State.

Respectfully,  
JOSEPH A. WRIGHT.

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NEW YORK, Dec. 15th, 1851.

*His Excellency, Joseph A. Wright :*

DEAR SIR:—I enclose you a copy of a bond for \$1,000, which is one of one hundred that I bought of the State of Indiana, through the Commissioners, as annexed to the bond at \$112.50 per cent., and paid the cash for them; and I have two of these bonds on hand with 10½ years' back interest due, and I find that all but thirteen of these bonds have been surrendered to the agents of your State, and new bonds issued.



Now, what I request of you is, to have the back interest paid on these bonds; and as you have a large amount of money in the treasury, and as your Legislature will have to direct how it shall be used, and as I suppose it will be a subject which will come before you, I hope you will see the propriety of recommending the payment of the back interest, and more especially as I paid 112½ per cent. in advance for the \$100,000, and as you will see that the pledge of the lands and their proceeds, and the faith of the State, was irrevocably pledged, as stated in said bond.

The 5 per cent. Indiana State Bonds, which I held, I have delivered up to your agents, and taken the terms your agents proposed, &c.; subscribed and paid the per centage in cash, as the law directed; but I declined surrendering the 6 per cent. bonds, and receiving therefor 5 per cent. bonds,—for in such a transaction there is manifest injustice and impropriety.

I presume you will give your attention to this reasonable request, and inform me if my request is granted.

I am, respectfully,

Your obedient servant,

I. D. BEERS.

Which,

On motion by Mr. Spencer,

Were referred to the committee on Ways and Means.

Mr. Beeson, from the committee on Benevolent and Scientific Institutions, made the following report:

MR. SPEAKER:

The committee on Scientific and Benevolent Institutions, to whom was referred the following query, by a reporter,

Is a Reporter a member, or an officer of the House?

Have directed me to report that he is an *officer*; a *good* one when he shows no partiality in his reports,—a *bad* one when he does.

Mr. Lewis, chairman of committee on Benevolent and Scientific Institutions, made the following report:

MR. SPEAKER:

The committee on Scientific and Benevolent Institutions, to whom was referred sundry resolutions asking amendments to the poor laws, have directed me to report the following bill:

No. 80. A bill for the relief of the poor;

Which was read a first time, and passed to a second reading.

Mr. Bryant, chairman of the committee on the Rights and Privileges of the Inhabitants of the State, made the following report :

MR. SPEAKER :

The committee on the Rights and Privileges of the Inhabitants of the State, to which was referred a resolution of the House, instructing the said committee to inquire into the cause of the delay of newspapers and other documents transmitted through the Post Office, beg leave to present to the House the accompanying letter from the Post master at Indianapolis, and ask to be discharged from the further consideration of the subject.

P. O. INDIANAPOLIS, IND., }  
January 10, 1852. }

SIR:—In reply to the committee of the House of Representatives of the State of Indiana, on the Rights and Privileges, &c., referred to in your note of yesterday, I would state the practice of this office in reference to mailing the papers and documents of the Legislature. As soon as they are deposited in the office, we have the P. O. stamps cancelled to prepare them for mailing, and they are distributed to their respective mails the same evening we receive them. As a general answer to your inquiry, I am not able to give general satisfaction, but presume that at the time the complaint was made, it was not possible to get the matter to its destination on account of the roads and other means of conveyance.

The reference in some instances that packages do not show a sufficient number of stamps for their weight, is true, but we do not detain them on that account ; we send them to their destination, where it is the duty of the Post master to charge double postage on the excess of weight on the package.

The foregoing is the duty of all Post masters, as prescribed by the P. O. Dep't, in all cases.

I would refer your honorable body to the State Sentinel, (a copy of which will accompany this) for the amount of postage on each package of printed matter, of weight from 1 oz. to 32 ozs.

I would respectfully invite the Hon. chairman of said committee to visit the office on some convenient evening to witness our manner of conducting the office and preparing the mail for departure.

Very respectfully,

Your ob't serv't,

A. W. RUSSELL, P. M.

By J. D. THORPE, Ass't.

Hon. JAS. R. M. BRYANT, *Chairman committee, &c.*

## SCHEDULE OF POSTAGE.

The following are the Rates of Postage since the 1st July, 1851:

- 1.—LETTER POSTAGE, by half ounce or under, between places within the United States:
 

3,000 miles or under.....	3c. prepaid.....	5c. unpaid.
Over 3,000 miles.....	6c. ".....	10c. "
  - 2.—LETTER POSTAGE, by half ounce or under, when conveyed by the United States, wholly or in part by sea, and to and from a foreign country:
 

2,500 miles or under.....	10c. }	To be prepaid.
Over 2,500 miles.....	20c. }	
- [Excepting, however, all cases where such postages have been or shall be adjusted at different rates by Postal Treaty or Convention already concluded or hereafter to be made.]
- 3.—NEWSPAPERS, not exceeding three ounces in weight, to actual and bona fide subscribers—postage payable quarterly in advance:

DISTANCES.	Monthly.	Semi-monthly.	Weekly.	Semi-weekly.	Tri-weekly.	Daily.
50 miles or under.....	1½	2½	5	10	15	25
Over 50 and not over 300.....	2½	5	10	20	30	50
Over 300 and not over 1000.....	3½	7½	15	30	45	75
Over 1000 and not over 2000.....	5	10	20	40	60	1 00
Over 2000 and not over 4000.....	6½	12½	25	50	75	1 25
Over 4000 miles.....	7½	15	30	60	90	1 50

On newspapers not containing over 300 square inches, the postage is one-fourth of the above rates, payable in advance.

- 4.—TRANSIENT NEWSPAPERS, Circulars unsealed, Handbills, Prices Current, Engravings, Bound Books, Pamphlets, and all other descriptions of printed matter, not weighing over thirty-two ounces, for each ounce or fraction of an ounce:
 

500 miles or under.....	1 cent.	} Payable in advance. If sent unpaid double those rates.
Over 500 and not over 1500.....	2 do	
Over 1500 and not over 2500.....	3 do	
Over 2500 and not over 3500.....	4 do	
Over 3500 miles.....	5 do	
- 5.—MAGAZINES AND PERIODICALS, other than the newspapers, same rates as above, except that if the postage is paid quarterly in advance, it is to be at half these rates.
- 6.—DROP LETTERS..... } One cent each, instead of  
 ADVERTISED LETTERS..... } two cents, as formerly.

On motion by Mr. English,  
 The communication was laid on the table.  
 Mr. Harrison, chairman of the committee on the State Library,  
 made the following report:

**MR. SPEAKER:**

The committee on the State Library, to whom was referred a bill of the House,

No. 47. A bill to provide for making out and printing a catalogue of the books in the State Library, have had the same under consideration and have instructed me to report the same back to the House with one amendment, and upon the adoption of said amendment to recommend its passage.

Insert at the conclusion of the first section the words, "and that said books be arranged, as far as practicable, in reference to their subject matter in the catalogue as well as in the alcoves.

Which report was concurred in, the amendment adopted, and the bill engrossed for a third reading.

Mr. Stuart made the following report from a select committee:

MR. SPEAKER:

The select committee to whom was referred House bill

No. 67. Entitled an act to change the time of holding courts in the 8th judicial circuit,

Have had the same under consideration and directed me to report the following amendments, and when so amended, respectfully recommend its passage:

Amend by striking out the last paragraph on the third page.

And further amend by striking out the word "Howard" in the last paragraph of the first section, and insert the word "Miami" in its stead.

The question being on the adoption of the amendments proposed by the committee;

It was decided in the negative.

The bill was then ordered to be engrossed for a third reading.

Mr. Lavery, chairman of the joint committee on enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on enrolled bills have this day presented House bills numbered 11, 31, 24 and 52, and House joint resolution numbered 11, properly attested, to the Governor for his approval.

Whereupon the Speaker signed the same.

Ordered, that the clerk inform the Senate thereof.

The Speaker laid before the House the following communication from the Auditor of State, together with the accompanying communication:

OFFICE OF AUDITOR OF STATE, }  
JANUARY 12, 1852.

Hon. J. W. DAVIS,

*Speaker of the House of Representatives:—*

SIR:—Please lay before the House the accompanying communications from the agents of the saline lands in Washington, Brown, and Orange counties. In the former the lands are all disposed of, and full payment has been made. In Orange county, the agent reports some \$4,500 still due upon lands sold, and about 5000 acres of land unsold. These suggestions are respectfully recommended to the favorable consideration of the House.

Respectfully,

E. W. H. ELLIS,

*Auditor of State.*

CLERK'S OFFICE; January 3, 1852.

DEAR SIR:—Yours of the 30th ult. has just come to hand; and for answer I say all of the saline lands in this county have been sold, and the purchase money and all interest have been fully paid. The last of the purchase money and interest was paid over two years ago. John Williams was the last that paid.

Respectfully yours,

W. C. DEPAUW, Clerk.

By A. H. KISSON, Deputy.

OFFICE OF AUDITOR OF BROWN COUNTY, }  
Nashville, January 7th, 1852.

*Auditor of State:*

DEAR SIR:—In answer to your inquiries, I will state, 1st. That there is no principal due this county from purchase of Saline lands. 2d. Saline lands in this county all sold.

Very respectfully yours,

LEWIS PROSSER,

*Auditor of Brown Co.*

PAIOLI, Jan. 6th, 1852.

*Dear Sir:*—Your communication in reference to the Saline lands of Orange county, is at hand, and I hasten to give you the desired information, as near as can be done without much labor.

The law authorizing entries to be forfeited and scrip drawn for payment of interest and principal, where the lands are not damaged, makes it exceedingly difficult, without much labor, to ascertain exactly what the true condition of the matter is, as regards the questions propounded; but what follows approximates very near to the facts in reference to said questions, to-wit:

*First Question.*—What amount of principal due from purchasers?

*Answer.*—About \$4,500.

*Second Question.*—What amount of interest due as above?

*Answer.*—About \$150.

*Third Question.*—What number of Saline lands remain unsold?

*Answer.*—About 5000 acres.

*Fourth Question.*—What is the probable value of unsold lands per acre?

*Answer.*—I think not exceeding 50 cents per acre; but I do not conceive it would be policy to authorize the lands to be entered at 50 cents, until they had been offered for sale to the highest bidder,—making 50 cents the minimum price. There are some of the tracts, without doubt, would bring at public sale, more than 50 cents, because some is worth more than others; but I assure you it is all refuse lands, and much of it has been stripped of its timber, and forfeited. And the law authorizing forfeiture, and the payment back of principal and interest, where no damage is done, creates much trouble, and also places the state of the facts in such a condition that it is impossible to tell whether purchasers intend to forfeit or not; and, therefore, it is impossible to tell exactly what amount of principal, or what of interest, or what amount of lands remain unsold—they standing upon the condition of forfeiture or not, after interest becomes due, for a certain length of time. I know, however, that the above statement of principal, interest, and acres remaining unsold, varies but little from the true and exact amount, and I hope it will be satisfactory.

Yours, very respectfully,  
**ANDREW WILSON,**  
*Com. French Lick Reserve.*

Which,

On motion by Mr. Buskirk,  
 Were referred to the committee on Ways and Means.

The Speaker laid before the House a communication from the Auditor of State, in relation to the expenses of the Constitutional Convention of 1850 and '51, in obedience to a resolution of this House.

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OFFICE OF AUDITOR OF STATE, }  
 INDIANAPOLIS, January 7, 1852. }

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives:*

SIR:—In compliance with a Resolution of the House, I have the honor to submit the following Statement, in items, of the Expenses of the Constitutional Convention for 1850 and 1851.

# PER DIEM AND MILEAGE OF DELEGATES.

NO. OF WAR- RANT.	NAMES OF DELEGATES.	COUNTIES AND DISTRICTS.	PER DIEM.	MILEAGE.	TOTAL.
5416.	Anthony, Samuel J.	Lake, Porter, and Laporte.	\$381 00.	\$41 28.	\$422 28
5419.	Alexander, Charles	Pike.	381 00.	36 00.	417 00
6007.	Allen, Hiram	Carroll and Clinton.	381 00.	19 20.	400 20
5357.	Badger, Oliver P.	Putnam	381 00.	9 00.	390 00
5369.	Ballingall, George H.	Henry	381 00.	11 52.	392 52
5421.	Barbour, Cromwell W.	Vigo.	381 00.	18 00.	399 00
5802.	Bascom, E. K.	Adams and Wells.	381 00.	36 10.	417 00
5440.	Beach, Walter E.	Elkhart	381 00.	36 72.	417 72
5457.	Beard, John	Wayne	381 00.	13 92.	394 92
5375.	Beeason, Othniel	Wayne	381 00.	15 60.	396 60
5356.	Berry, George	Franklin	381 00.	17 38.	398 38
5672.	Bicknell, Thompson P.	Noble	381 00.	43 20.	424 20
5439.	Biddle, Horace P.	Cass, Howard, and Pulaski.	381 00.	16 80.	397 80
5407.	Blythe, James E.	Vanderburgh.	381 00.	45 00.	426 00
5366.	Borden, James W.	Allen, Adams, and Wells.	381 00.	36 00.	417 00
5419.	Bourne, Thomas I.	Vigo.	381 00.	18 00.	399 00
5358.	Bowers, Henry J.	Ripley	381 00.	22 20.	403 20
5371.	Bracken, William	Rush	381 00.	11 76.	392 76
5429.	Bright, Michael G.	Jefferson.	381 00.	20 64.	401 64
5478.	Brookbank, Benj. F.	Union	381 00.	76 72.	357 72
5442.	Bryant, James R. M.	Warren	381 00.	18 00.	399 00
5378.	Butler, Thomas	Greene	381 00.	24 48.	405 48
5470.	Carr, George W.	Lawrence	381 00.	19 68.	400 68
5450.	Carr, John F.	Jackson and Scott.	381 00.	21 84.	402 84
5811.	Carter, Horace E.	Montgomery.	381 00.	12 00.	393 00
5483.	Chandler, Shadrach	Brown	381 00.	12 00.	393 00
5480.	Chapman, Jacob P.	Marion	381 00.	381 00.	381 00
5677.	Chenoweth, Thomas	Vermillion	381 00.	28 32.	409 32
5423.	Clark, Othniel L.	Tippecanoe	381 00.	17 28.	398 28
5424.	Clark, Raymond W.	Hamilton	381 00.	5 28.	386 28
5803.	Clements, R. A.	Davies.	156 00.	36 72.	192 72
5777.	Coats, Joseph	Fountain	381 00.	18 00.	399 00
5366.	Cole, Albert B.	Hamilton	381 00.	5 98.	386 98
5455.	Collax, Schuyler	St. Joseph	381 00.	32 64.	413 64
5383.	Conduit, A. B.	Norgan	381 00.	7 20.	388 20
5396.	Cooklety, Grafton F.	Vigo.	381 00.	18 00.	399 00
5384.	Crawford, James.	Morgan.	381 00.	7 20.	388 20





# PER DIEM AND MILEAGE OF DELEGATES—CONTINUED.

NO. OF WAR- RANT.	NAMES OF DELEGATES.	COUNTIES AND DISTRICTS.	PER DIEM.	MILEAGE.	TOTAL.
5385.	Logan, Ezekiel D.	Washington	..\$381 00.	..\$26 40.	..\$407 40
5488.	Meguire, Douglass.	Marion	..381 00.	..381 00.	..762 00
5671.	March, Walter.	Grant and Delaware.	..381 00.	..15 60.	..396 60
5474.	Mather, Joseph H.	Elkhart and LaGrange.	..381 00.	..38 40.	..419 40
5466.	Mathis, John	Harrison	..381 00.	..34 32.	..415 32
5405.	May, Edward R.	Dekalb and Steuben.	..381 00.	..50 40.	..431 40
5387.	McClelland, Beattie.	Randolph	..381 00.	..24 00.	..405 00
5346.	McFarland, Joel B.	Tippecanoe	..381 00.	..17 28.	..398 28
5432.	McLean, William.	Boone	..381 00.	..6 48.	..387 48
5793.	Miller, Cornelius J.	Clinton and Tipton.	..381 00.	..12 00.	..393 00
5809.	Miller, Hugh.	Marshall, Fulton, and St. Joseph.	..381 00.	..23 32.	..404 32
5409.	Miller, Smith.	Dubois, Gibson, and Pike.	..381 00.	..45 00.	..426 00
5674.	Milligan, Dixon.	Blackford and Jay.	..381 00.	..27 00.	..408 00
5417.	Milroy, Robert H.	Carroll	..381 00.	..19 20.	..400 20
5379.	Mooney, Samuel P.	Jackson	..381 00.	..20 16.	..401 16
5370.	Moore, George W.	Owen	..381 00.	..13 20.	..394 20
5372.	Morgan, Jesse	Rush	..381 00.	..9 60.	..390 60
5437.	Morrison, John I.	Washington	..381 00.	..24 00.	..405 00
5741.	Morrison, A. F.	Marion	..381 00.	..7 92.	..388 92
5346.	Mowrer, Daniel.	Henry	..381 00.	..30 00.	..411 00
5458.	Murray, Elias.	Huntington, Kosciusko, and Whitley.	..381 00.	..4 80.	..385 80
5414.	Nave, Christian C.	Hendricks	..381 00.	..15 00.	..396 00
5466.	Nevman, John S.	Wayne	..381 00.	..34 40.	..415 40
5415.	Niles, John B.	LaPorte	..381 00.	..14 40.	..395 40
5362.	Noisinger, Wm. R.	Parke	..45 00.	..18 00.	..63 00
5098.	Osborn, James.	Union	..381 00.	..48 00.	..429 00
5473.	Owen, Robert Dale.	Posey	..381 00.	..21 00.	..401 00
5612.	Pepper, Abel C.	Ohio and Switzerland.	..381 00.	..33 60.	..414 60
5425.	Pepper, Samuel.	Crawford	..381 00.	..17 28.	..398 28
5401.	Pettit, John.	Tippecanoe	..381 00.	..16 08.	..397 08
5406.	Prather, Hiram.	Bartholomew and Jennings.	..381 00.	..12 72.	..393 72
5444.	Rariden, James.	Wayne	..381 00.	..12 48.	..393 48
5467.	Read, Daniel.	Monroe and Brown.	..381 00.	..32 40.	..413 40
5433.	Read, James G.	Clark	..381 00.	..18 00.	..399 00
5455.	Ristine, Joseph.	Fountain	..381 00.	..4 80.	..385 80
5804.	Ritchey, James.	Johnson	..381 00.	..16 56.	..397 56
5543.	Robinson, Joseph.	Decatur	..381 00.	..16 56.	..397 56

5381.	..Schoonover, Rodolphus.....	Washington	.....381 00.	.....27 60.	.....408 60
5509.	..Shannon, David A.....	Montgomery	.....381 00.	.....15 12.	.....396 12
5676.	..Shorrod, Wm. F.....	Orange and Crawford	.....381 00.	.....27 36.	.....408 36
5798.	..Shoup, George G.....	Franklin	.....381 00.	.....14 16.	.....395 16
5810.	..Sims, Stephen.....	Clinton and Tipton	.....381 00.	.....11 04.	.....392 04
5514.	..Smiley, Ross.....	Fayette	.....381 00.	.....15 36.	.....396 36
5426.	..Smith, Hezekiah S.....	Scott	.....381 00.	.....27 36.	.....408 36
5807.	..Smith, Thomas.....	Ripley	.....381 00.	.....20 04.	.....401 04
5508.	..Snook, Henry F.....	Montgomery	.....381 00.	.....12 00.	.....393 00
5353.	..Spann, John L.....	Jennings	.....381 00.	.....10 32.	.....397 32
5482.	..Steele, William.....	Wabash	.....381 00.	.....24 60.	.....405 00
5376.	..Stevenson, Alex. C.....	Putnam	.....381 00.	.....9 00.	.....390 60
5449.	..Tague, George.....	Hancock	.....381 00.	.....5 04.	.....386 04
5434.	..Tannehill, Zachariah.....	Bartholomew	.....381 00.	.....10 08.	.....391 08
5562.	..Taylor, E. D.....	LaPorte	.....381 00.	.....37 68.	.....418 68
5246.	..Terry, Elias S.....	Daviess	.....195 00.	.....36 00.	.....231 00
5373.	..Thomas, Wm. W.....	Fayette	.....381 00.	.....15 36.	.....396 36
5442.	..Thornton, Henry F.....	Floyd	.....381 00.	.....31 20.	.....412 20
5368.	..Todd, Henry C.....	Hendricks	.....381 00.	.....4 80.	.....385 80
5524.	..Trembly, Daniel.....	Fayette and Union	.....381 00.	.....17 28.	.....398 28
5240.	..Vanbenthusen, James.....	Shelby	.....120 00.	.....4 80.	.....124 80
5769.	..Wallace, David.....	Marion	.....381 00.	.....	.....381 00
5813.	..Walpole, Thomas D.....	Hancock and Madison	.....381 00.	.....4 80.	.....385 80
5394.	..Watts, Johnson.....	Dearborn	.....381 00.	.....24 00.	.....405 00
5420.	..Wheeler, Amzi L.....	Marshall, Fulton, and Starke	.....381 00.	.....30 00.	.....411 00
5393.	..Wiley, Spencer.....	Franklin	.....381 00.	.....20 40.	.....401 40
5343.	..Wolfe, Benjamin.....	Sullivan	.....381 00.	.....29 52.	.....410 52
5404.	..Work, Robert.....	DeDab, Noble, and Steuben	.....381 00.	.....40 80.	.....421 80
5808.	..Wunderlich, Jacob.....	Huntington and Whitley	.....381 00.	.....36 00.	.....417 00
5347.	..Yocum, Francis B.....	Clay	.....381 00.	.....15 12.	.....396 12
5800.	..Zenor, John.....	Harrison	.....381 00.	.....36 96.	.....417 96

# PAY OF SECRETARIES AND ASSISTANTS.

No. of warrant.	NAME.	SERVICES.	Amount.
5315.	W. B. Chace.....	Assistant clerk.....	39 00
5461.	H. G. Barkwell.....	Assistant secretary.....	508 00
5462.	James H. Vawter.....	Assistant clerk.....	78 00
5468.	G. W. Swarthout.....	Same.....	165 00
5471.	W. B. Chace.....	Same.....	27 00
5486.	W. H. English.....	Double index to Legislative journal, ( <i>See appendix</i> ).....	200 00
5489.	George A. Chapman.....	Clerk to committee.....	30 00
5504.	C. P. Ferguson.....	Assistant clerk.....	48 00
5505.	Samuel S. Crowe.....	Same.....	54 00
5739.	W. R. Bowes.....	Messenger to Secretary's Room.....	222 00
5771.	Ceo. L. Sices.....	Assistant Secretary.....	573 40
5772.	W. R. Bowes.....	Assistant Clerk.....	18 00
5778.	Robert M. Evans.....	Assistant Secretary.....	508 00
5797.	W. B. Chace.....	Enrolling two copies of Constitution.....	75 00
5919.	W. B. Chace.....	Balance for enrolling.....	75 00
6305.	W. H. English.....	Principal Secretary of Convention from Oct. 7, 1850, to June 19, 1851, including superintendence of printing and binding, under a resolution of the Convention, page 982 of Journal, also resolution on pages 107, 906 and 972, ( <i>See appendix at the end of this communication</i> ).....	1,024 00

# PAY OF DOOR-KEEPERS AND ASSISTANTS.

No. of warrant.	NAMES.	SERVICES.	AMOUNT.
5094.....	C. S. Horton.....	Assistant Sergeant-at-arms.....	.....30 00
5172.....	W. B. Taylor.....	Assistant Door-keeper.....	.....45 00
5187.....	Francis M. Johnson.....	Same.....	.....97 00
5210.....	Obed Wilson.....	Same.....	.....30 00
5283.....	Michael Shea.....	Same.....	.....168 00
5298.....	Michael Shea.....	Same.....	.....84 00
5335.....	S. J. Johnson.....	Principal Door-keeper.....	.....387 50
5356.....	Cyrus A. Kelley.....	Woodman.....	.....21 09
5361.....	Francis M. Johnson.....	Assistant Door-keeper.....	.....925 00
5364.....	Charles G. Warner.....	Same.....	.....381 00
5365.....	C. C. Jaqueth.....	Same.....	.....381 00
5367.....	David Leach.....	Woodman.....	.....381 00
5389.....	Abram S. Patterson.....	Assistant Door-keeper.....	.....336 00
5391.....	W. B. Taylor.....	Same.....	.....109 00
5392.....	John Farra.....	Same.....	.....42 00
5427.....	Benj. Lindsey.....	Woodman.....	.....21 00
5431.....	John Brown.....	Assistant Door-keeper.....	.....279 00
5463.....	John Farra.....	Same.....	.....279 00
5475.....	Henry Bigler.....	Same.....	.....381 00
5673.....	S. McKenzie.....	Sergeant-at-Arms.....	.....381 00
6491.....	James Sullivan.....	Wood-sawyer.....	.....130 00

## STENOGRAPHER.

No. of warrant.	NAMES.	SERVICES.	AMOUNT.
6036.....	H. Fowler.....	Report of Debates.....	2,301 00
6289.....	.....Same.....	.....Same.....	2,865 00

## PRINTING ACCOUNT AND BINDING.

No. of warrant.	NAMES.	SERVICES.	AMOUNT.
5454.....	Austin H. Brown....	1st Volume of Debates.....	1,485 09
5517.....	.....Same.....	Bill of Printing.....	330 49
5518.....	.....Same.....	State Sentinel for members.....	158 00
5649.....	John D. Defrees.....	State Journal for members.....	159 00
5650.....	.....Same.....	Publishing Debates in Journal, 1st Volume.....	692 24
5770.....	Austin H. Brown....	Bill of printing.....	226 00
5971.....	.....Same.....	2d Volume of Debates.....	1,197 47
5972.....	.....Same.....	Printing index.....	57 13
5973.....	John D. Defrees.....	Publishing Debates in Journal, 2d Volume.....	736 19
6282.....	Austin H. Brown....	Bill for pressing sheets.....	25 50
6310.....	.....Same.....	Printing Legislative Journal.....	1,920 14
6370.....	S. Deizell and Co.....	Bill of Binding.....	972 05
6583.....	Kent and Norman.....	Printing Constitution, paper and delivery.....	1,731 80

# MISCELLANEOUS.

No. of warrant.	NAMES.	SERVICES.	AMOUNT
5085	Morrison and Talbott	Bill of stationery	754 45
5086	Telegraph office	For despatches	12 03
5194	A. L. Wheeler	Committee to Madison	10 00
5195	Thomas I. Bourne	Same	10 00
5203	Milton Gregg	Same	10 00
5247	Daniel Kelso	Same	10 00
5248	J. L. Spann	Funeral expenses of J. Vanbenthusen	8 50
5255	W. Sheets and Co.	Bill of stationery	60 00
5256	Bradley and Karnes	Fitting up Masonic Hall	68 50
5270	Wainwright and Brother	Spittoons	4 37
5279	J. B. Fittler and Co.	Funeral expenses of Jas. Vanbenthusen	55 00
5286	J. M. Talbott	Bill of sundries	15 15
5293	John B. Dillon	Extra services as State Librarian	126 09
5295	James Kirlin	Bill of sundries	8 44
5296	Weaver and Williams	Same	16 25
5297	Dalman and Evans	Same	11 17
5299	S. C. Cox	Dead for Tippecanoe Battle Ground, copy	1 75
5305	J. E. Kingsbury	Repairing clock	3 00
5306	A. Graydon	Bill of sundries	4 21
5309	Biddle and McOuat	Use of clock	5 00
5313	E. Pottage	Spit boxes	7 87
5314	W. B. Taylor	Bill of sundries	5 00
5333	Conrad Weberly	Blackening stores	2 00
5334	C. J. Allison	Stationery, candles &c.	01 80
5460	George W. Carr	Postage	9 00
5469	Purnell and Hannah	Crape for Funeral	12 10
5484	Wm. Sheets	Rent of Masonic Hall, carpets &c.	636 00
5485	W. H. English	Postage for Convention	5 80
5487	H. J. and B. C. Horn	Bill of sundries	6 37
5490	Ross and Ray	Bill of stationery	238 91
5496	W. Robson	Funeral expenses of Vanbenthusen	30 00
5643	Henry S. Kellogg	Bill of sundries	14 85
5687	Craighead and Browning	Same	25
5758	John S. Newman	Services on committee	3 00
5765	James Hall	Gavel for President	1 00
5767	G. L. Sites	Stationery	2 15
5780	D. Read	Committee on Engrossment	42 00
5781	R. D. Owen	Same	48 00

# MISCELLANEOUS—Continued.

No. of warrant.	NAMES.	SERVICES	AMOUNT.
5875.....	A. W. Russell.....	..Postage account.....	.....4 54
5903.....	..S. Delzell and Co.....	..Bill of binding.....	.....191 65
5918.....	..Harry Perry.....	..Scavenger.....	.....60 00
5979.....	..James P. Drake.....	..Extra services as Treasurer of State.....	.....127 00
5980.....	..E. W. H. Ellis.....	..Extra services as Auditor of State.....	.....127 00
5996.....	..W. H. English.....	..Sundry expenditures by self and President, in superintending printing of Constitution, &c., ....(See appendix.).....	.....82 57
6004.....	..R. D. Owen.....	..Services on committee of publication.....	.....20 00
6047.....	..Charles H. Test.....	..Extra services as Secretary of State.....	.....48 00
6281.....	..Jacob P. Chapman.....	..Services on committee on Accounts.....	.....110 00
6283.....	..W. Sheets and Co.....	..Stationery.....	.....1 37
6480.....	..G. W. Carr.....	..Per diem from February 11th to June 1, 1851, (See Appendix.).....	.....333 00

## RECAPITULATION.

Per diem and mileage of Delegates.....	\$60,296 40
Pay of Secretaries and Assistants.....	3,593 00
Pay of Door-keepers and Assistants.....	4,111 50
Stenographer.....	5,166 00
Printing account.....	8,991 10
Miscellaneous.....	3,425 05
Total amount audited to date.....	\$85,683 05

Respectfully,  
E. W. H. ELLIS,  
*Auditor of State.*



## APPENDIX.

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*Resolutions adopted by the Constitutional Convention. See Journal of the Convention, pages 107, 906, 972 and 982.*

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*Resolved*, That a record of the proceedings of this Convention shall be kept in the following manner, to-wit: All that class of legislative matter usually contained in the journals of the Legislature, shall be journalized under the direction of the Principal Secretary. He shall prepare, or cause to be prepared, an index to said journal; and, *if the printing of said journal be ordered, he shall superintend the same.* He shall also prepare, or cause to be prepared, a manuscript copy, to be deposited by the President and Secretary in the office of the Secretary of State, in pursuance of the 14th section of the act entitled "an act to provide for the call of a Convention of the people of the State of Indiana to revise, amend, or alter the Constitution of said State."

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*Resolved*, That the Secretary of this Convention be instructed to contract for the printing of the Constitution as provided for by this Convention, at such price as to him may seem reasonable and just.

*Ordered*, That the Secretary be directed to contract for and superintend the binding of the Journal of Debates and Legislative Journal as ordered by the Convention.

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*Resolved*, That the President and Principal Secretary be directed to stay at Indianapolis until the new Constitution shall be enrolled, and our journals completed; and that they file the same with the Secretary of State; and that they be allowed the same *per diem* as when the Convention was in session; and that the President shall have the power to certify accounts after, as before the adjournment.

# STATEMENT OF THE PRINTER AND BINDER TO THE CONVENTION.

DEAR SIR:—In reply to your note of this date, I have to state that the printing of the Constitutional Convention was finally completed and turned over to the book binder about the middle of June, 1851, and that there was, at no time, any delay in the execution of said printing.

Respectfully,  
AUSTIN H. BROWN,  
*Printer to the Convention.*

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INDIANAPOLIS, January 16th, 1852.

In reply to your note of this date, I have to state that the binding of the journals of the Constitutional Convention was not finished until the first of August, 1851; and that the Secretary of the Convention always urged the completion of the work at the earliest period, and that the same was done without any unnecessary delay.

Very respectfully,  
SAMUEL DELZELL & CO.,  
*Binders for the Convention.*

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*Resolved*, That there be printed with the communication of the Auditor of State, on the subject of the expenses of the Constitutional Convention, the resolutions under which the President and Secretary acted in closing up the business of the Convention, and also the statement of the printer and binder, as to the time of completion of their work.

Adopted Jan. 17, 1852, by House of Representatives.

GEORGE L. STITES,  
*Clerk of the House of Representatives.*

Which,

On motion,

Was laid on the table, and ordered to be printed.

## RESOLUTIONS OF THE HOUSE.

Mr. Manson offered the following resolution :

*Resolved*, that the committee on the Judiciary be instructed to inquire into the expediency of reporting a bill to abolish all laws for the collection of debts, except as may be contracted for real estate and borrowed money, to take effect from and after the fourth of July next.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Brady and Barker.

*Those who voted in the affirmative were,*

Messrs. Brady, Bryant, Dice, Douthit, English, Graham, Hays of White, Henry, Manson, McDowell, Miller, Stover, Struble, Stuart, and Mr. Speaker—15.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis, Dobson, Donaldson, Doughty, Eccles, Foster, Geddes, Gibson, Goudy, Gunn, Harrison, Hart, Hay of Clark, Helmer, Hicks, Holladay of Parke, Holman, Hostetter, Hudson, Huey, Huffstetter, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, McDonald, Nelson, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stevens, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Wells, Williams, Wilson, and Withers—69.

So the resolution was not adopted.

Mr. Behm offered the following resolution :

*Resolved*, That we will donate the sum of three dollars each, out of our per diem allowance, for the benefit of the Hungarian fund, and that we will put the same into the hands of a committee, who shall deliver the same to Governor Kossuth, when he arrives here.

Which,

On motion by Mr. McDowell,

Was laid on the table.

On motion by Mr. Kent,

*Resolved*, That the committee of Ways and Means be instructed to inquire into the expediency of reporting a bill to provide for applying the surplus revenue derived from taxation for general State purposes, to the payment of the State debt.

On motion by Mr. Stanfield,

*Resolved*, That the committee on the Organization of Courts be instructed to inquire into the expediency of authorizing the boards doing county business, to purchase, in the name of their respective counties, lands enough to enlarge the court house squares to such an extent as the public interest of their respective counties may require, and report by bill or otherwise.

On motion by Mr. Withers,

*Resolved*, That the committee on the Judiciary be instructed to inquire what changes or modifications are necessary in the appraisement and execution laws, and report by bill or otherwise.

On motion by Mr. Graham,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of reporting a general bill providing for cutting off one portion of a county and attaching it to another, whenever a majority of the voters residing on the portion proposed to be cut off may desire the same.

On motion by Mr. King,

*Resolved*, That the committee on Benevolent and Scientific Institutions be instructed to inquire into the expediency of providing by law for the care, treatment and custody of epileptic persons in the same manner as insane persons are now provided for.

Mr. Smith of Spencer, offered the following preamble and resolution :

WHEREAS, According to the spirit and genius of our free institutions, ample provisions are made for all : AND WHEREAS, we have a Lunatic Asylum from which scores of the unfortunate are prohibited from the fact that they are by an M. D. considered incurable, and thus the unfortunate victim has to stay in the family, there to bruise and crush their feelings continually, and instead of enjoying this life, the whole family are rendered miserable, "and

hope itself, with her brightest visions hangs her head." And therefore, as our Asylum is for the lunatics of the State may there be no distinction of lunatics ; for the same benevolence that fosters and protects one, protects the other also. And the same God that hears the raven's cry, also hears the lamentations and cries of the lunatic. Therefore, in tender consideration of the premises,

*Resolved*, That the committee on Benevolent and Scientific Institutions be instructed to so amend the bill regulating the Insane Hospital, so that all insane persons in this State shall have a home in said Asylum.

The resolution was adopted.

On motion by Mr. Stover,

*Resolved*, That the committee on Public Buildings be instructed to inquire into the propriety of suffering the cattle and hogs to pasture, and destroy the shrubbery, in the Capitol Square, as is now the case.

Mr. Thompson offered the following resolution :

*Resolved*, That the committee on Education be instructed to inquire into the expediency of making an appropriation of one hundred dollars, to increase the library for the Insane Hospital, and to report by bill or otherwise.

On motion by Mr. Bulla,

The resolution was referred to the committee on Benevolent and Scientific Institutions.

On motion by Mr. Lindsay of Howard,

*Resolved*, That from this day forward, the contractor who is furnishing fuel for the use of the capitol, furnish such as can be burned, and of good quality ; that the halls of legislation may be kept warm ; that members be not compelled to leave their seats on account of the cold, and that the person letting said contract, be notified by the clerk of the adoption of this resolution.

On motion by Mr. Buskirk,

The vote taken referring the communication of the Auditor of State in reference to the saline lands, to the committee of Ways and Means, was reconsidered ; and,

On motion,

The communication was referred to the committee on Education.

On motion by Mr. Nelson,

*Resolved*, That hereafter all bills, resolutions and other similar matter authorized to be printed for the use of this House, be printed and charged for as solid matter.

On motion by Mr. Major,

*Resolved*, That the committee on the Judiciary be, and they are hereby instructed to inquire into the expediency of limiting suits upon official bonds to—years next after the cause of action shall have accrued, with the usual saving clauses, and report by bill or otherwise.

Mr. Gibson moved to reconsider the vote by which the report of the Auditor of State relative to the constitutional convention, was laid on the table and ordered to be printed.

The question being put,

The ayes and noes were demanded by Messrs. Suit and Graham.

*Those who voted in the affirmative were*

Messrs. Barker, Beach, Beane, Beeson, Brady, Cowgill, Dobson, Donaldson, Eccles, English, Gibson, Harrison, Hart, Hays of White, Henry, Holman, Hostetter, Huffstetter, Hunt, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Major, Manson, McAllister, McConnell, McDonald, McDowell, Miller, Reynolds, Schoonover, Scudder, Smith of Marion, Stover, Struble, Stuart, Taggart, Torbet, and Williams—41.

*Those who voted in the negative were,*

Messrs. Behm, Bryant, Bulla, Carpenter, Chowning, Cockrum, Crawford, Davis, Dice, Doughty, Douthit, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Hay of Clark, Helmer, Hicks, Holladay of Parke, Hudson, Huey, Laverty, Lindsay of Howard, Litchfield, Mayfield, Nelson, Shanklin, Stanfield, Stevens, Suit, Sumner, Sweet, Thompson, Walker, Wells, Wilson, Withers, and Mr. Speaker—40.

So the vote was reconsidered.

The question being on laying the report on the table and print, Mr. Gibson called a division of the question.

Which was seconded by the House.

The question being first, to lay the report on the table, Was decided in the affirmative.

The question then being shall the report be printed?

And being put;

Pending which

Mr. McDonald moved the House adjourn ;

Which motion did not prevail.

Mr. King moved the House adjourn :

Which motion did not prevail.

The question then being put, shall the report of expenses, &c., be printed ?

The ayes and noes were demanded by Messrs. Gibson and Hudson.

*Those who voted in the affirmative were,*

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Davis, Dice, Doughty, English, Geddes, Goudy, Graham, Gunn, Hay of Clark, Helmer, Hicks, Holladay of Parke, Hostetter, Hudson, Huey, Hunt, King, Lavery, Lawrence, Lewis, Lindsay of Howard, Mayfield, Miller, Nelson, Scudder, Shanklin, Smith of Spencer, Stanfield, Stevens, Suit, Sumner, Thompson, Walker, Williams, and Mr. Speaker—40.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Buskirk, Chowning, Cowgill, Crawford, Dobson, Donaldson, Douthit, Eccles, Foster, Gibson, Hanna, Harrison, Hart, Hays of White, Henry, Holman, Huffstetter, Kent, Leviston, Lindsey of Fayette, Litchfield, Major, Manson, McAllister, McConnell, McDonald, McDowell, Reynolds, Schoonover, Smith of Marion, Spencer, Stover, Stuart, Sweet, Taggart, Torbet, and Wilson—42.

So the report was not ordered to be printed.

On motion by Mr. Sweet,

The House adjourned to meet at two o'clock, P. M.

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2 o'clock, P. M.

The House met.

#### ORDERS OF THE DAY.

*House Bills on Second Reading.*

No. 78. A bill to provide for a uniform enumeration of the subdivisions of sections and quarter sections in the township of land in

Monroe county, reserved for a State seminary, and for making out and recording the plats of such subdivisions, and the compensation therefor ;

Was read a second time and ordered to be engrossed.

No. 58. A bill providing for laying out, opening, working or changing and vacating highways, the erection of bridges, the officers intrusted with the care and superintendence of highways and bridges, of the election or appointment and duties of supervisors, and other miscellaneous provisions relating to highways ;

Was taken up.

On motion by Mr. Gibson,

The bill was referred to the committee on the Judiciary, with instructions to perfect its title.

#### HOUSE BILLS ON THIRD READING.

No. 62. A bill for the limitation of civil actions ;  
Which was read a third time.

Mr. Beach moved to recommit the bill to the Judiciary committee with instructions to inquire whether the word "presumed," in the last section, should not be stricken out, and the words "prima facie" inserted.

Mr. Buskirk moved to amend the instructions by adding, "to so amend the bill that it shall not apply to judgments heretofore recovered, actions now pending, and all notes and accounts now due. Which was accepted.

The bill was then committed with the instructions.

No. 76. A bill to provide for the election of Electors of President and Vice President of the United States, and the compensation of certain officers and persons in relation to elections, and repealing all laws inconsistent with this act ;

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crom-



well, Davis, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, English, Foster, Geddes, Goudy, Graham, Hanna, Harrison, Hart, Hay of Clark, Helmer, Henry, Hicks, Holman, Hostetter, Hudson, Huey, Huffstetter, Hunt, Kent, Lavery, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—80.

No person voting in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Graham recorded his vote, he being without the bar when his name was called.

A message from the Governor, by Mr. King, executive messenger

**MR. SPEAKER:**

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 24. An act providing a remedy for the illegal reduction of the aggregate valuation of real estate in the several counties of this State;

No. 31. An act to regulate visiting the Indiana Hospital for the Insane;

No. 11. An act to authorize the Secretary of State to furnish the clerk's offices of the several counties copies of the local and general laws, and providing for the binding the same;

No. 52. An act to abolish the Marion court of common pleas, and to transfer its proceedings and records to the Marion circuit court, and providing for the compensation of the judge of said court;

No. 11. A joint resolution in relation to a donation of public lands for a Geological, Agricultural and Topographical survey;

All of which originated in the House.

No. 13. A joint resolution instructing our Senators and requesting our Representatives in Congress to procure the site for a national armory on the waters of the Ohio River, at Evansville, within the State of Indiana;

Was read a third time.

The question being put, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Goudy, Graham, Hanna, Harrison, Hart, Hay of Clark, Helmer, Henry, Hicks, Holman, Hostetter, Hudson, Huey, Huffstetter, Hunt, Kent, Lavery, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—84.

No person voting in the negative.

So the joint resolution passed.

Ordered that the clerk inform the Senate thereof.

By the unanimous consent of the House,

Mr. Lindsay of Howard made the following report from the committee on Ways and Means :

**MR. SPEAKER :**

The committee of Ways and Means, to whom was referred resolution of the House, instructing them to inquire into the expediency of providing by law that the lien for taxes shall attach on the first day of March, have instructed me to report that an act having passed at this session embracing that subject, further legislation on the subject is inexpedient, and your committee ask to be discharged from the further consideration of the subject.

Which was concurred in.

By the unanimous consent of the House,

Mr. Carpenter made the following report, from the committee of Ways and Means :

**MR. SPEAKER :**

The committee of Ways and Means, to whom was referred the resolution of the House, instructing it to inquire into the expediency of so amending the act for the more effectual, just and equal assessment and valuation of personal property, moneys, rights, credits and effects, and corporation stock in the State of Indiana, approved February 13, 1851, as to dispense with the necessity of leaving the blank list, and giving notice by assessors to persons required to list

property for taxation under the provisions of said act, and of reporting by bill or otherwise, has directed me to report the same back to the House, and to recommend that the said resolution be laid on the table, and the committee be discharged from further consideration of the subject matter therein contained.

Which report was concurred in, and the resolution was laid on the table.

By the unanimous consent of the House,

Mr. Carpenter, from the committee of Ways and Means, made the following report :

**MR. SPEAKER:**

The committee of Ways and Means, to whom the House referred a resolution thereof instructing the committee to inquire into the expediency of providing by a general law for the compensation of county auditors and treasurers, at fixed salaries, graduated in just proportion to the wealth of the several counties, and the amount of service to be performed by such auditors and treasurers respectively, but limited in amount by a certain maximum and minimum; and also, of limiting the fees of auditors for transfers on conveyances of real estate, and of reporting by bill or otherwise, has directed me to report the same back to the House as one inappropriate to the said committee's scope of inquiry, to recommend the discharge of the said committee from further consideration of the resolution, and reference of the same to the committee on Fees and Salaries.

Which report was concurred in, and the resolution referred to the committee on Fees and Salaries.

On motion by Mr. Wells,

No. 59. A bill to provide for the incorporation of railroad companies ;

Was taken from the table, and placed on the files of the House.

On motion by Mr. Stover,

The bill was recommitted to the committee on Corporations.

By unanimous consent of the House,

Mr. Brady offered the following resolution :

*Resolved*, That the committee on Benevolent and Scientific Institutions, be directed to report a bill for the enlargement of the Asylum for the Insane, sufficient to receive all persons who may be laboring under mental alienation, within the State of Indiana.

Mr. Beach moved to amend the resolution by making it one of inquiry.

Which motion did not prevail.

The resolution was adopted.

By unanimous consent of the House,

Mr. Thompson offered the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire whether, in their opinion, power could be constitutionally conferred on the board doing county business, to levy a specific road tax in their respective counties, and report by bill or otherwise.

Which was adopted.

By unanimous consent of the House,

Mr. Spencer presented the petition of the ladies and gentlemen of Ohio county, on the subject of Temperance ;

Which,

On motion,

Were referred to the committee on Temperance.

On motion by Mr. Buskirk,

The House adjourned to meet to-morrow morning, nine o'clock.

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TUESDAY MORNING, 9 o'clock, }  
January 13, 1852.

The House met.

The journal of the preceding day was read.

#### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Bryant ;

Two memorials of sundry ladies and gentlemen of Warren county on the subject of temperance ;

Which,

On motion,

Were referred to the committee on temperance.

By Mr. Kent ;

The remonstrance of sundry citizens of New Albany against the addition of certain territory to said town ;

Which,

On motion,

Was referred to the committee on Corporations.

By Mr. Smith of Spencer :

Two petitions of sundry citizens of Perry and Spencer counties for the formation of a new county ;

Which,

On motion,

Were referred to a select committee of three consisting of Messrs. Walker, Barker, and Smith of Spencer.

On motion by Mr. Goudy,

Leave of absence was granted Messrs. Cromwell and Crim on account of sickness.

Mr. Morris, from the committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The committee on Engrossed Bills have examined bill of the House No. 78, and find it correctly engrossed.

#### REPORTS FROM COMMITTEES.

Mr. Stanfield, from the committee on the Judiciary, made the following report :

MR. SPEAKER :

The committee on the Judiciary, to whom was referred House bill No. 26—a bill to exempt property from execution in certain cases—have had the same under consideration, made several amendments thereto, in which the concurrence of the House is respectfully requested, and as amended, a majority of said committee recommend the passage thereof.

Add the word "householder" after "resident," in the first section.

Strike out the words "within the State" in the first section.

Strike out the word "made" in the last line but one of the first section, and insert "or for any fine, penalty, or liability incurred."

Strike out the words "without the signature of his wife," in the third section, and insert "unless the deed be acknowledged by the wife in due form of law."

Strike out all after the words "mechanic's lien," in the 4th section, and insert "nor lien for purchase money of real estate."

Insert the words "of the neighborhood" after "householder," in the fifth section.

Strike out all after the word "third" in the fifth section, and insert "and in case either party fails to select an appraiser, the same shall be selected by the officer holding the execution."

Insert between sections five and six, the two following sections :

SEC. —. Such appraisers shall proceed forthwith to make a schedule of the real and personal property selected by the debtor, describing the real property by metes and bounds, and the personal property by separate items, affixing to each the value they may agree upon, and they, or a majority of them, shall affix to the schedule so made, an affidavit in substance as follows: "We, the undersigned, swear that in our opinion the above is a just cash valuation of the property therein described.

SEC. —. Such schedule shall be delivered to the officer holding the execution or other process and shall be by him returned with such execution or other process, and made part of such return.

Amend section six so as to read as follows:

"Each appraiser for his services shall be allowed the sum of fifty cents, to be paid by the execution debtor."

Insert between the sixth and seventh sections the five following sections:

SEC. —. If any execution debtor shall claim property as exempted by virtue of this act, he shall elect whether he will claim personal or real property, or both, and shall designate the property so claimed.

SEC. —. If such claim include personal property only, the officer holding such execution shall cause the same to be appraised and set apart to the debtor, and shall proceed to sell such other property, if any, as may be liable to said writ according to law.

SEC. —. If such claim include both personal and real property, the officer shall proceed to have such personal property valued, and shall set the same apart to the debtor. He shall then cause the real property claimed as aforesaid to be valued, and if the same, together with the personal property set apart, shall exceed five hundred dollars, the debtor shall, within sixty days thereafter, pay such excess, or enough to satisfy the execution; and if he fail so to do, the officer shall proceed to sell the same as other lands are sold on execution, if his writ shall authorize the sale of real property; but in making such sale, he shall receive no bid therefor unless it exceed the difference between five hundred dollars and the personal property so valued and set apart; and if he shall sell said property, he shall pay over to the debtor the amount of said difference, and apply so much of the remainder on the execution as shall satisfy the same, and the overplus, if any, shall be paid to the debtor, other party having the next right.

SEC. —. If the claim include real property only, the same shall be valued, and if it exceed five hundred dollars, it shall be dealt with as is specified in respect to real property in the last preceding section.

SEC. —. In all cases in which real property is sought to be exempted from sale on execution, if said real property is susceptible of division by metes and bounds without material injury thereto, it shall be so divided as to exempt the principal dwelling house or homestead of the debtor.

Which report was concurred in, and the amendments adopted.

On motion by Mr. Torbet,

The bill was laid on the table, and ordered to be printed.

Mr. Stuart, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was recommitted House bill No. 62—a bill for the limitation of civil actions—with instructions so to amend the bill that the same shall not apply to judgments heretofore recovered, actions now pending, and all notes and accounts now due, have, according to said instructions, so amended said bill. Said committee, according to further instructions, have had under consideration the propriety of striking out the word “presumed” where it occurs in the bill, and inserting in its place, “*prima facie*,” and are of the opinion that such an alteration would be inexpedient. Said committee have also made additional amendments in which the concurrence of the House is respectfully requested.

Insert as section 27 the following:

Every judgment and decree shall cease to be a lien on real estate after six years from the rendition thereof.

Amendment made by instruction of the House:

Insert the following as the last section:

The limitations of this act shall operate on every right of action existing on the day when this act takes effect, in the same manner as though such rights had accrued on that day. *Provided*, That such operation shall not extend such right of action beyond the period at which it would have been barred by the former statute.

Which report was concurred in, and the amendments adopted.

The question recurred on the passage of the bill,  
And the question being put?

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Goudy,

Hanna, Hart, Hays of White, Henry, Hicks, Holman, Hudson, Huey, Kent, King, Lavery, Lawrence, Leviston, Lindsey of Fayette, Litchfield, Major, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Mudget, Nelson, Owen, Stanfield, Stevens, Struble, Stuart, Suit, Sweet, Thompson, Torbet, Walker, and Watson—57.

*Those who voted in the negative were,*

Messrs. Barker, Cockrum, Davis, English, Gibson, Graham, Gunn, Hay of Clark, Helmer, Holladay of Blackford, Huffstetter, Hunt, Lindsay of Howard, Manson, McDowell, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stover, Sumner, Taggart, Wells, Williams, Wilson, Withers, and Mr. Speaker—29.

So the bill passed.

On motion by Mr. Holman,  
The title of the bill was amended as follows :

“ And for limitation of liens of judgments on real estate.”

Ordered that the clerk inform the Senate thereof.

Mr. Behm, from the committee on the Judiciary, made the following report :

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred bill of the Senate No. 33—a bill to prohibit the making distress for rent by warrant—have had the same under consideration, and directed me to report the same back to the House, with the recommendation that said bill be laid upon the table; and said committee ask to be discharged from the further consideration thereof.

Which report was concurred in, and the bill laid on the table.

Mr. Gibson, from the committee on the Judiciary, made the following report :

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred House bill No. 63—a bill to authorize the formation of limited partnerships—have had the same under consideration, and have directed me to report the same back and recommend the indefinite postponement thereof.

Which report was concurred in, and the bill indefinitely postponed.



Mr. Beach, from the Judiciary committee, made the following report :

MR. SPEAKER :

The committee on the Judiciary, to whom was referred House bill No. 40, "a bill to regulate the vending of clocks," with instructions to make the bill general, have directed me to report the same back, with a recommendation that the same be referred to the committee on Ways and Means, and they respectfully ask to be discharged from the further consideration thereof.

Which report was concurred in, and the bill referred to the committee of Ways and Means.

Mr. Holman, chairman of the committee on the Judiciary, made the following report :

MR. SPEAKER :

The committee on the Judiciary, to whom was recommitted, with instructions, House bill No. 48, "a bill to provide for the sale of county seminaries, and the property belonging thereto, and to transfer the proceeds thereof to the common school fund," have had the constitutionality of said bill under consideration, and are of opinion that the passage thereof would not violate any provision of the Constitution. Said committee are also of the opinion that the rights of persons interested are properly secured by said bill. Said committee therefore report said bill back, for the further action of the House, and ask to be discharged from the further consideration thereof.

Which report was concurred in ;

And the question being put, Shall the bill pass ?

Pending which,

On motion by Mr. Stuart,

The bill was laid on the table.

Mr. McDowell, from the committee on Corporations, made the following report :

MR. SPEAKER :

The committee on Corporations, to whom was referred general provisions respecting corporations, have had that subject under consideration, and have directed me to report the following bill, and respectfully to recommend its passage :

No. 81. A bill to authorize trustees to receive conveyances of lands, and donations for the use of schools, literary societies, meeting

houses, churches, Masonic, Odd Fellows, and Sons of Temperance Lodges, and other voluntary and benevolent associations, and some general provisions respecting burying grounds.

Which was read a first time, and passed to a second reading.

Mr. Leviston, chairman of the committee on Corporations, made the following report :

MR. SPEAKER :

The standing committee on Corporations, to whom was referred so much of the Governor's message as relates to the interest of the State in the Madison and Indianapolis Railroad, as also a resolution for the sale of the States' interest in said road, have given the subject a full and careful consideration, and have instructed me to make the following report :

There was expended by the State, in the completion of the twenty-six miles of the Madison and Indianapolis Railroad from Madison to a point known as Griffith's depot, \$1,197,320. The State now receives an annual rent for the use of this portion of the road, eleven hundred and fifty-two dollars. This sum was so fixed by taking the nett earnings of the road for the year 1842, under the State management. It has been regularly paid in stock of the company, and the State is now a stockholder to the amount of \$31,450 00. This stock is not included in any proposed purchase or sale on the part of the State. After January 13th, 1853, the rent ceases, and the State will be entitled to receive of the nett earnings of the road, such portion as the twenty-six miles completed by her bears to the whole length of the line, which may be stated, in general terms, at one-third. The company has the right, at any time, to purchase this interest, by paying the State the amount expended on the twenty-six miles, in the original bonds of the State, including the interest thereon. They also claim the right, under the 58th section of the act of 1852, to purchase any section or sections of the road by paying the amount expended by the State in such section or sections, in the bonds of the State, with the interest due thereon. This right has been questioned; but the committee do not propose to discuss the point. The law is open to the examination of members, and each one can decide the question for himself.

If this right does exist in the company, then there are certain facts which have an important connection with it.

1st. The committee is advised that five of the twenty-six miles of road completed by the State cost over \$750,000, leaving the balance of the sections to have cost but \$450,000.

2d. At the present price of the bonds the company can purchase these latter sections for about \$170,000, thus reducing the State to

a portion of the net earnings, equal to the relation of five miles to eighty-seven.

3d. That while the company may not be able to procure the \$1,200,000 of bonds necessary to purchase the whole interest of the State, the amount requisite to purchase the above named partial interest can probably be had without serious difficulty.

4th. The company has an unlimited power to borrow money and issue bonds, and may thus purchase these State bonds by an issue of company bonds, and thus compel the remaining interest of the State to pay its portion of the money as invested in the purchase of the cheap sections.

At the last session of the legislature, the company memorialized that body, expressing a desire to purchase the entire interest of the State. That paper claimed a considerable reduction from the original expenditure on account of the inclined plane at Madison, on which the company has already expended about \$150,000 in improvements to work it, and that even under this large expenditure it is impossible to transact the business upon it, and a new termination must be constructed, avoiding the plane, which is estimated to cost \$250,000.

A bill passed the Senate last session, authorizing the sale for \$1,200,000, at least, one-half in the  $2\frac{1}{2}$  per cent. stocks of the State and the remainder in original bonds. This bill was indefinitely postponed in the House. The officers of the company assure the committee that the amount and terms of that bill would not have been accepted by the company, if it had passed.

The committee consider a sale of this interest desirable. The only question is, as to the terms. There are some important considerations bearing upon this point, which may be briefly stated.

1st. The amount expended by the State upon the twenty-six miles of road, was undoubtedly, from various causes, much larger than was necessary for the construction of a road from Griffith's to Madison, on a more favorable line that might and should have been adopted. It has been stated before the committee, by gentlemen connected with other and rival roads to the Madison, that a road can be constructed between these points for \$350,000, and that in view of the condition of the plane, and the money expended upon it, the interest of the State is not worth to the company, or the State, more than the company proposes to give for it. When this road was constructed, railroad building was a new thing, and more expensively conducted than at present. The bridges are said to be costly structures, more extensive than were required, and expensive to keep up. Five bridges on the twenty-six miles of this road built by the State, are shown by the estimate books to have cost about \$220,000. By present improvement in bridging, these streams could now be crossed for less than \$50,000.

2d. The inclined plane at Madison must be avoided, or the road cannot perform any increased business, and being unable to compete

with other roads, its present business must decline. This will effect the State's interest. If the State keep an interest in the road, it will be her policy to make that interest profitable, and not destroy the work. To do this, she must assent to the construction of a new termination at Madison. It cannot be expected that the stockholders will increase their stock to build this new road. They will do it by the creation of a debt, and one-third of this debt, in principal and interest, must become an incumbrance upon the State's portion of the road.

3d. The State takes only an interest in the nett earnings in proportion to her length of line, and not as to cost. She has no voice or control whatever in the election of officers, the management of expenditures, or the government of the work; thus leaving her dividends uncertain, as the management is good or bad. This interest of the State, like that of the stockholders, is liable for its proportion of all debts that may be created; and the company has power to borrow money, and issue bonds, if it see proper to do so, even for the payment of current expenses.

4th. During the past year a mortgage has been executed upon the road for six hundred thousand dollars, under which some two hundred and twenty-five thousand dollars of bonds bearing seven per cent. interest have been issued and sold. The proceeds have been expended in new engines, cars, station houses, &c. Some twenty miles of the road constructed by the State will have to be relaid with iron this year, and at least three bridges on that portion rebuilt; for all of which the company will probably resort to a further issue of bonds under the mortgage, which will further encumber the interest of the State. The State's portion of the present indebtedness is \$75,000, which is equal to about two hundred and five thousand dollars of her original bonds. If the whole amount authorized by the mortgage should be issued, the State's proportion will be \$200,000; equal to nearly six hundred thousand dollars of her bonds.

5th. Several other roads are in progress of construction, which, when completed, will, in the judgment of others, as well as your committee, divide the business now thrown upon this road; and at the same time, reduce, by competition, the tolls for carrying, and consequently, by both means, impair the revenues; and as the State gets only a portion of net earnings, her interest must be reduced in profit and value.

6th. Experience has demonstrated that states cannot construct public works as economically as individuals or companies. It is an indisputable fact that the State expenditures upon this work, as tested by present knowledge and experience, were much too large. If the State had completed the whole line, at the same proportion of cost as the twenty-six miles, the present earnings would not pay a dividend on the amount, of six per cent. It is stated by the officers of the company, as the result of careful investigation, that if the State

were to take her proportion of receipts on the twenty-six miles, keep up the repairs, and pay the expense of working the plane, and her portion of the expenses, that the nett earnings would not give her to exceed four per cent. upon the cost of the work. It can hardly be expected that the State should realize the advantages to her people of the completion of the work, and the repayment of the largely disproportionate amount expended in construction, or take full dividends on a portion of the road that requires more than half the expenditures of the whole line to keep it up and work it.

In view of all these considerations, the committee have conferred with the officers of the company, who propose to purchase the interest of the State at six hundred thousand dollars, in the original bonds and interest of the State, in four payments, or their equivalent in other stocks of the State, or mortgage bonds of the company. The committee, considering this as good a sale of that interest, as can be made and that no better terms, if as good, can be had by delay, report a bill and recommend its passage. They also embrace in it a provision authorizing the company to construct a new termination, so as to avoid the inclined plane at Madison. They consider the two subjects as identical, and that they cannot well be separated, from considerations of good policy. It is an entire subject, and the committee think that it comes within the provision of the constitution, and should be acted on together.

No. 82. A bill to enable the Madison and Indianapolis Railroad Company to avoid the inclined plane at Madison, to provide for the sale of the interest of the State in said railroad, and to repeal, so far as affects the Madison and Indianapolis Railroad Company, the 55th and 58th sections of the act entitled an act for the continuance and construction of all or any part of the public works of this State by private companies, and for abolishing the Board of Internal Improvements, and the offices of Fund Commissioners and Chief Engineer, approved Jan'y 28th, 1842;

Which was read a first time, and passed to a second reading.

Mr. Leviston, chairman of the committee on Corporations, made the following report:

MR. SPEAKER:

The committee on Corporations, to whom was referred bill of the House No. 8—entitled a bill to amend the 6th section of the act entitled "an act to incorporate the Peru and Indianapolis Railroad Company," aproved January 19th, 1846—have examined said bill, and inasmuch as the committee on the Judiciary have decided, by their report, that it would be unconstitutional for the Legislature to pass any law extending the powers of any company under a special

charter; therefore, the committee have directed me to report that it would be inexpedient to legislate further on that subject, and recommend that the bill be laid on the table; and the committee ask to be discharged from the further consideration thereof.

Which report was concurred in, and the bill laid on the table.

Mr. Spencer, chairman of the committee on Banks, made the following report :

**MR. SPEAKER :**

The committee on Banks, to whom was referred a resolution instructing said committee to "collate" all laws defining the powers and duties of the several boards doing county business in this State, &c., beg leave to say that they have had that subject under consideration, and have directed me to report the said resolution back, and respectfully to recommend its reference to the committee having in charge that portion of the revised statutes of 1843, relating to the organization of county boards, and defining their duties. This course, in the opinion of your committee, will avoid that conflict and confusion which might otherwise arise. They, therefore, pray to be discharged from a further consideration of the subject.

Which report was concurred in, and the resolution so referred.

Mr. Harrison, chairman of the committee on the State Library, made the following report :

**MR. SPEAKER :**

The committee on the State Library, to whom was referred a resolution of the House, instructing the committee to inquire into the expediency of the enactment of a law requiring the State Librarian to subscribe for one copy of each of the public newspapers published in this State, with a view of preserving the same in the State Library, have had the subject under consideration, and have directed me to report that a similar resolution or bill has already been acted upon by the House, and that, in the opinion of the committee, further legislation on the subject is inexpedient. The committee ask to be discharged from the further consideration of said resolution.

Which report was concurred in.

Mr. Mudgett, chairman of the select committee appointed to divide the State into Congressional Districts, made the following report :

MR. SPEAKER:

The select committee appointed to prepare and present to this House a bill to divide the State into Congressional Districts, have had that subject under consideration, and have directed me to report the following bill and recommend its passage:

No. 83. A bill to divide the State into Congressional Districts;  
Which was read a first time.

Mr. English moved to reject the bill;

And the question being put:

The ayes and noes were demanded by Messrs. English and Mudget.

*Those who voted in the affirmative were,*

Messrs. Behm, Bryant, Buskirk, Cowgill, Crawford, Doughty, Eccles, English, Geddes, Goudy, Gunn, Hanna, Hay of Clark, Hicks, Holladay of Blackford, Holman, Hudson, Huey, Huffstetter, King, Lawrence, Leviston, Lindsey of Fayette, Lindsay of Howard, Mayfield, McDowell, Miller, Morris, Nelson, Scudder, Shanklin, Smith of Spencer, Spencer, Stanfield, Struble, Stuart, Suit, Sumner, Torbet, Watson, Wilson, and Withers—42.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bulla, Carpenter, Chowning, Cockrum, Davis, Dice, Dobson, Donaldson, Douthit, Foster, Gibson, Graham, Harrison, Hart, Hays of White, Helmer, Henry, Hostetter, Hunt, King, Lavery, Lewis, Litchfield, Major, Manson, McAllister, McConnell, Mudget, Owen, Reynolds, Schoonover, Smith of Marion, Stover, Sweet, Taggart, Thompson, Walker, Wells, Williams, and Mr. Speaker—45.

So the bill was not rejected.

The bill then passed to a second reading on to-morrow.

Mr. Mudget, chairman of a select committee for dividing the State into Congressional districts, made the following report:

MR. SPEAKER:

The select committee on Congressional apportionment, to whom was referred House bill No. 20, entitled an act to divide the State into Congressional districts; also House bill No. 53, entitled as aforesaid, have had these bills severally under consideration, and have directed me to report the same back and recommend that said bills be

laid upon the table, and said committee be discharged from the further consideration of the same.

Which report was concurred in, and the bills laid on the table.

Mr. Suit, chairman of the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills, to whom was referred House bills No. 47 and 67, have examined the same and find them to be correctly engrossed.

Mr. Suit, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of sundry citizens of Clinton and Tipton counties, praying for the establishment of a State road from Frankfort to Tipton, have had that subject under consideration, and have directed me to report, that in the opinion of the committee the Legislature has no constitutional power to establish a State road except by a general road law. Such a bill being now before this House, your committee ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. McDowell, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred Senate bill No. 36, have instructed me to report the same back with the following amendment :

Strike out of the 12th line of the second section the word "register," and insert the words "authorized and required," and respectfully recommend its passage.

No. 36. A bill for the relief of purchasers of school lands, where no record has been made of the appraisement as required by any previous law, and the confirmation of titles to lands previously sold, and prescribing the duties of county auditors in relation thereto.

Which report was concurred in, the amendment adopted, and the bill ordered to a third reading.



## RESOLUTIONS OF THE HOUSE.

On motion by Mr. Bulla,

*Resolved*, That the committee on the Judiciary be instructed to inquire whether, in their opinion power could be constitutionally conferred on the boards doing county business, to levy a specific tax on dogs in their respective counties, and report to this House.

On motion by Mr. Beeson,

*Resolved*, That the select committee on Banks be requested to inquire into the expediency of taking no stocks as deposit of collateral security except united States' stocks or stocks of Indiana.

On motion by Mr. Henry,

*Resolved*, That the committee on Corporations be instructed to amend House bill No. 59, to provide for the incorporation of railroad companies, as follows:

That all stock subscribed, that may become forfeited by the provisions of the eleventh section of said act, the subscriber of such stock so forfeited, shall be held liable to all creditors of such railroad company for the full amount of their stock subscribed and unpaid at the time such stock becomes forfeited, with interest thereon. But any stock so forfeited may be redeemed within sixty days from the time such stock is declared forfeited by the subscriber of such stock paying up all arrearages due on such stock.

On motion by Mr. Carpenter,

*Resolved*, That the committee on the Judiciary be instructed to so amend the law as betwixt landlord and tenant, for the collection of rents in cities and incorporated towns, as shall be more just and equitable.

On motion by Mr. Leviston,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of providing by law, that in any fractional township where no reservation was originally made for the use of schools, and where (under an act of Congress) lands have been selected at a distance, that some officer of the county, or other person, be authorized to take charge of such lands, and that said committee report by bill or otherwise.

On motion by Mr. Thompson,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of causing one land appraiser to be elected in each commissioner's district in the several counties in this State, and report by bill or otherwise.

On motion by Mr. Douthit,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the propriety of districting the State in land districts, and rating the land therein, and fixing a price thereon for taxation, in order that taxes throughout the State may be more uniform and equal.

On motion by Mr. Gibson,

*Resolved*, That the Door-keeper be authorized to purchase, at the market price, twenty-five cords of good dry wood, and that he notify the present contractor to deliver no more wood for the use of this House.

On motion by Mr. Buskirk,

*Resolved*, That the committee on Public Buildings be instructed to inquire what measures are necessary to render the office of Treasurer of State safe and comfortable, and that they report by bill or otherwise.

By unanimous consent of the House, Mr. Spencer introduced

No. 14. A joint resolution in relation to constructing a canal around the falls of the Ohio River.

Which was read a first time, and passed to a second reading.

By unanimous consent of the House, Mr. Graham introduced

No. 84. A bill for the purpose of licensing the sale of Patent Medicines;

Which was read a first time.

On motion by Mr. Harrison,

The bill was rejected.

Mr. Laverty, from the joint committee on Enrolled bills, on the part on the House, made the following report:

**MR. SPEAKER:**

The joint committee on Enrolled bills have compared enrolled bill of the Senate No. 11, and find it correctly enrolled.

## ORDERS OF THE DAY.

*House Bills on Second Reading.*

No. 79. A bill authorizing the construction of Plank, McAdamized and Gravel roads.

Was read a second time.

Mr. Gibson offered the following amendment:

“Amend by inserting in the word made, in the fourth line of the 3d section, the words in whole or in part.”

On motion by Mr. Gibson,

The bill and amendment were referred to the committee on the Judiciary.

No. 80. A bill for the relief of the poor;  
Was read a second time.

Mr. Owen moved to refer the bill to the committee on the Judiciary.  
On motion by Mr. Shanklin,

The bill was referred to the committee on the Judiciary, with the following instructions:

To so amend the bill as to make two of the oldest Justices of the Peace overseers of the poor, in their respective townships.

Mr. Smith of Marion moved the House adjourn.

Mr. Gibson suggested 9 o'clock on to-morrow morning.

And the question being put to adjourn until 9 o'clock to-morrow morning,

It was decided in the affirmative.

WEDNESDAY MORNING, }  
January 14, 1852. }

The House met.

The journal of the preceding day was read.

The Speaker laid before the House the following communication from the Auditor of the State under a resolution of the House:

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, Jan. 12, 1852. }

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives:*

SIR:—I am in receipt of the following resolution, adopted on the 9th inst., to-wit:

*Resolved*, That the Auditor of State be instructed to communicate to this House, all the information in his possession in relation to the probable amount and situation of the three per cent. fund; also, the amount and kind of the bonds of this State held by the United States Government.

The entire amount of this fund received from the General Government, up to 1st November, 1843, including premiums on draft amounting to \$96 16, is \$505,700 93, being per centage on sales of lands within the State to June 30, 1842. Since that period there have been no receipts.

The United States had become the purchaser of 210 five per cent. bonds of the State of Indiana, of \$1,000 each, which were held in trust for certain Indian tribes, and as the interest was no longer met upon these bonds, further payment on account of the three per cent. fund was refused. This refusal, first made arbitrarily by the Treasury Department, was afterwards sanctioned by a joint resolution of Congress, approved 3d March, 1845, directing the Secretary of the Treasury of the United States, "whenever any State shall have been, or may be, in default for the payment of interest or principal, on investments in stocks or bonds, held by the United States in trust, to retain certain moneys to which such State is entitled for the purposes therein named."

The annual accruing interest on these bonds is \$10,500, and the total arrears of interest from January 1, 1841, the date of suspension, to January 1, 1842, is \$115,500. An effort was made in

1847 to procure the passage of an act of Congress, directing the surrender of these bonds and their conversion into new stock on the same footing with other bondholders. A bill for this purpose, passed the United States Senate, but was defeated in the House of Representatives.

From the best information in possession of the undersigned the sales since the period have been as follows:

In 1842,.....	54,000	acres.
" 1843,.....	46,543	"
" 1844,.....	100,000	"
" 1845,.....	73,257	"
" 1846,.....	108,528	"
" 1847,.....	230,627	"
" 1848,.....	396,113	"
" 1849,.....	120,998	"
" 1850, estimated,.....	100,000	"

Making a total of ..... 1,230,066 acres.

From the 30th of June, 1842, to 30th of June, 1851, which, at \$1.25 per acre, would be \$1,537,582. The lands in the Miami Reserve were, however, sold at two dollars per acre, and the total receipts for the period named might therefore be safely estimated at \$1,800,000. Three per cent. upon this sum would be \$54,000, and, if the accounts are to be offset, would leave a balance against the State of \$61,500, besides the principal of the bonds held by the United States. The sales of lands by the General Government, within the limits of the State, are annually diminishing, and the three per cent. fund can never equal the arrears of interest, and the annually accruing interest upon these bonds.

It is stated in an official document, that the entire receipts by the United States, on account of sales of lands, in Indiana, to January 1st, 1849, amount to the sum of \$21,316,100.

On which three per cent. would be ..... \$639,483 00

Deduct amount received by the State,..... 505,604 77

Leaves a balance of ..... \$133,878 23

If this statement is correct, to which should be added the accruing per cent. on subsequent sales?

It is evident that no investigation can be had *here*, that will be accurate or final in its character. It has been contended that the sales in the Cincinnati and Chillicothe district, amounting within this State to 1,179,259 acres, have not been included in any payments heretofore made; and if so, it would very nearly reconcile the discrepancy in the above statements.

Respectfully,

E. W. H. ELLIS,

*Auditor of State.*

Which,

On motion by Mr. Gibson,  
Was laid on the table, and 150 copies ordered to be printed.

#### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Miller:

The memorial of sundry ladies and gentlemen of this State, on the subject of temperance;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Holliday of Blackford;

Memorials from sundry ladies and gentlemen of this State, on the subject of temperance;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Hicks:

The memorials of 186 ladies of Vernon and vicinity, in Jennings county, on the subject of temperance;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Lindsay of Howard:

The petition of the citizens of Greentown, Howard county, for the change of the name of said town to that of "Corwin;"

Which,

On motion,

Was referred to the committee on the Judiciary.

#### REPORTS FROM COMMITTEES.

Mr. Gibson, from the Judiciary committee, made the following report:

**MR. SPEAKER:**

The Judiciary committee, to whom was referred House bill No. 61, "a bill to prevent the destruction of stock by running locomotives and cars on railroads," have had the same under consideration, made amendments thereto, and as amended respectfully recommend the passage thereof.

Add the following sections:

**SECTION 2.** Whenever any person shall die from any injury received, which has resulted from the negligence or unskillfulness of any of the officers or servants of any railroad company in this State, or the insufficiency of such road, or of the bridges thereof, or the cars or locomotives thereon, such company shall be liable in such damages as a jury shall assess to the wife; or if there be no wife, or if such wife shall fail for three months after such death, to prosecute for the same, then to the child or children of such deceased person: *Provided*, that the damages to be assessed by such jury, shall not exceed four thousand dollars.

Amend the bill by striking out all after the word "stock," and add the words "and human life by railroads, and providing for compensation for the same."

Mr. Beach moved to amend the amendments of the committee by striking out the "*Proviso*."

Mr. Stanfield moved to recommit the bill to the committee on the Judiciary, with the following instructions:

"To make the law applicable to persons when they are in their proper places in the cars, according to the regulations of the company, put up in the cars."

Mr. Suit moved to amend the instructions as follows:

So as to provide for compensation for damages to all persons;  
Which amendment was accepted.

The question being on recommitting the bill to the Judiciary committee, with the instructions;

It was decided in the affirmative.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary to whom was referred House bill No. 34—a bill authorizing recorders to make out general or complete indexes to records of deeds and mortgages, and to procure and use seals—have had the same under consideration, made the following amendment thereto, and as amended respectfully recommend the passage thereof:

Strike out the words "and for continuing the same," in the 4th section, and add to the section "and it shall be the duty of such recorder to keep up and continue such index in the manner aforesaid, as deeds and mortgages shall from time to time be recorded."

Which report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Behm, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred bill of the House No. 66—a bill to provide for the several prosecuting attorneys of this State to occupy as an office the room used for grand jury purposes—have had the same under consideration, and have directed me to report the same back and recommend the indefinite postponement thereof.

Which report was concurred in, and the bill was indefinitely postponed.

Mr. Stover, from the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee on Corporations, to whom was referred sundry portions of the revised statutes of 1843, by a resolution of the House, would respectfully report that they have had the subject of a general law incorporating subordinate Lodges of the Independent Order of Odd Fellows of the State of Indiana, and have directed me to report the following bill and recommend its passage:

No. 85. A bill to provide for the incorporation of subordinate Lodges of the Independent Order of Odd Fellows;

Which was read a first time, and passed to a second reading.

Mr. Sumner, from the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee on Corporations, to whom was referred, by a resolution of the House, all subject matter in reference to corporations, have had the following subject under consideration, and directed me to report the following bill, and recommend its passage:

No. 86. A bill establishing some general provisions respecting corporations;

Which was read a first time and passed to a second reading.

A message from the Senate by Mr. Dunn, their Secretary:



**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House :

No. 60. Entitled a bill to empower railroad companies to receive lands, lots and property in subscription of stock.

Mr. Stover, from the committee on Corporations, made the following report :

**MR. SPEAKER :**

The committee on Corporations, to whom was referred the petition of Butler Woods and others, citizens of Lake county, in relation to fencing railroads, &c., would respectfully report that they have had the same under consideration, and have directed the same to be reported back to this House, recommending that said petition be referred to the committee on the Rights and Privileges of the inhabitants of the State, and ask to be discharged from the further consideration of the same.

Which report was concurred in, and the petition so referred.

Mr. Huffstetter, chairman of the committee on Public Buildings, made the following report :

**MR. SPEAKER :**

The committee on Public Buildings, to whom was referred a resolution of the House in relation to cattle and hogs pasturing on the State House square, the destruction of shrubbery, &c., respectfully report that inquiry having been made of the person having the State House and lot in charge, and answer has been made that he has been greatly annoyed by an animal of the cow kind that opens the gates and throws them off their hinges. The owner has been informed of the matter, but has thus far declined paying any attention to the request. The west gate is frequently left open by the person who is daily hauling wood, and cattle come in by that entrance. No great damage has been as yet sustained to the shrubbery, and the person having the grounds in charge promises that the animals shall be kept out if stronger means than words has to be resorted to. The committee ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Huffstetter, chairman of the committee on Public Buildings, made the following report :

MR. SPEAKER:

The committee on Public Buildings having been instructed by resolution to report a bill authorizing the sale of the Governor's house and the personal property appertaining to the same, herewith report a bill in accordance with said instructions, and ask to be discharged from a further consideration of the subject.

No. 87. A bill to authorize the Auditor, Secretary, and Treasurer of State to sell lots number 4, 5, and 6, in square No 47. in the city of Indianapolis, known as the Governor's house, and all the household and personal property belonging to the same owned by the State.

Which was read a first time and passed to a second reading.

#### RESOLUTIONS OF THE HOUSE.

Mr. Hicks offered the following preamble and resolution :

WHEREAS, The quantity of temperance memorials are augmenting daily; and

WHEREAS, the chairman of the committee on Temperance has his desk full to overflowing; therefore,

*Resolved*, That the Door-Keeper of this House be instructed to procure a suitable box for said temperance memorials.

*Resolved, further*, That the chairman of said committee be instructed to make the number of signers on each memorial, and the county from which it came, and keep said memorials on file for future reference.

The resolution was adopted.

On motion by Mr. Lindsay of Howard :

*Resolved*, That the committee on the Judiciary are hereby respectfully requested that hereafter, in reporting to this House upon constitutional questions they give in said report, in brief, the points by them decided, with reference to the particular section or sections of said Constitution upon which said decision is based.

On motion by Mr. Behm,

*Resolved*, That the President of the State Bank of Indiana be re-

quested to report to this House the amount of money loaned by each branch of said bank during the past year, to stockholders of such bank, and how much to other persons not stockholders.

Mr. Suit offered the following resolution :

*Resolved*, That this House will, the Senate concurring, adjourn without day, on Monday, the twenty-third day of February next.

Mr. Beeson moved to amend the resolution by striking out the "twenty-third day of February," and insert "whenever we get through with the business";

Which amendment was adopted.

The resolution as amended was then adopted.

On motion by Mr. Cockrum,

*Resolved*, That the committee on the Judiciary be, and they are hereby requested to take into consideration the expediency of so amending the statute law, as to more effectually prevent the cutting and wasting of timber by men who trespass on others' rights, and take timber, logs and stone off of land, that they have no legal right to do, and convert it to their own use; and report by bill or otherwise.

Mr. Stover offered the following preamble and resolution :

**WHEREAS**, The benevolent societies of the State own a large amount of real estate, in the nature of business rooms, basement rooms, public halls, and other apartments to the buildings erected for the purposes of such societies, from which the said society and those persons having stock in the same realize a large profit by way of rents, &c., and which makes such buildings a good investment to the stockholders;

**AND WHEREAS**, By the revenue laws now in force in this State, said property is exempt from taxation; therefore,

*Resolved*, That the committee on the Rights and Privileges of the Inhabitants of the State, be instructed to make the following inquiries, and report to this House :

1st. Does said exemption conflict with the 23d section, article 1st, of the Constitution?

2d. Has the Legislature any power to exempt any property from taxation owned by such societies, unless it is owned solely for the purposes of charity, as is provided in the 1st section of article 10 of the Constitution?

The resolution was adopted.

On motion by Mr. Hay of Clark,

*Resolved*, That the Judiciary committee be instructed to provide in the criminal code for the punishment by proper penalties of those who carry off or destroy growing grain or fruit.

On motion by Mr. Withers,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the 36th section of chapter seven, statutes of 1843, to make the fine imposed on county commissioners a sum not to exceed one hundred dollars, and report by bill or otherwise.

On motion by Mr. Helmer,

*Resolved*, That the select committee on Banks be instructed to incorporate into their bill establishing free banks, a provision carrying out the provision of the sixth section of article eleven of the amended Constitution, which requires all stockholders to be individually responsible to an amount over and above their stock, equal to their respective shares, for all debts or liabilities of said bank or banking companies; and to inquire, specially, whether such liability clause contemplates the stockholders to possess visible means, within or without this State, to an amount equal to their respective shares of such stock.

Mr. Hay of Clark, offered the following resolution :

*Resolved*, That this House will not meet in the afternoon of each day, and that this be the order until otherwise directed by the House; and that the chairman of each standing committee which has unfinished [business] before them, be requested to call their committees together in the afternoon of each day.

The question being put on the adoption of the resolution;

And the question being put,

The ayes and noes were demanded by Messrs. Owen and Withers.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Geddes, Goudy, Gunn, Hanna, Harrison, Hay of Clark, Helmer, Henry, Hicks, Holman, Hostetter, Hudson, Huey, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Mayfield,

McAllister, McConnell, McDonald, Miller, Morris, Nelson, Owen, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Spencer, Stevens, Stover, Struble, Stuart, Sweet, Torbet, Walker, Watson, and Wells—65.

*Those who voted in the negative were,*

Messrs. Behm, Davis, English, Foster, Graham, Hart, Holliday of Blackford, Manson, McDowell, Reynolds, Shanklin, Stanfield, Suit, Sumner, Taggart, Thompson, Williams, Wilson, Withers, and Mr. Speaker—20.

So the resolution was adopted.

By unanimous consent of the House,  
Mr. Holman recorded his vote.

By unanimous consent of the House,  
Mr. Beach recorded his vote.

On motion by Mr. Wells,

*Resolved*, That the committee on the Judiciary be instructed to report a provision in the general Plank road bill now in their possession, authorizing any plank road, turnpike road or gravel road, by the consent of its stockholders, to change their road into a railroad.

On motion by Mr. Beeson,

*Resolved*, That the committee on Temperance be requested to report to this House the number of petitions on temperance, and the number of signers thereto.

By unanimous consent of the House, Mr. Spencer introduced

No. 15. A joint resolution in relation to the General Post Office Department;

Which was read a first time and passed to a second reading.

By the unanimous consent of the House,  
Mr. Wilson obtained leave and presented a petition to change the name of Mary Ann Jones to that of Mary Ann Gough;

Which,

On motion,

Was referred to the Judiciary committee with instructions to inquire whether the prayer of the petition can be granted without violating the Constitution; and if so, to inquire into the expediency of bringing in a bill; and if it would conflict with the Constitution

on the ground of being local in its character, then to inquire into the expediency of reporting a general law on the subject.

#### ORDERS OF THE DAY.

##### *House bills on third reading.*

No. 47. A bill for making out and printing a catalogue of the books in the State Library ;  
Was read a third time.

The question being put, Shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Davis, Dice, Dobson, Donaldson, Doughty, Eccles, Geddes, Goudy, Harrison, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Hostetter, Hudson, King, Laverty, Lewis, Litchfield, Mayfield, McConnell, McDonald, McDowell, Nelson, Owen, Schoonover, Smith of Marion, Spencer, Stanfield, Struble, Stuart, Sweet, and Mr. Speaker—45.

*Those who voted in the negative were,*

Messrs. Barker, Bulla, Cockrum, Douthit, English, Graham, Gunn, Hanna, Hart, Holliday of Blackford, Holman, Huey, Huffstetter, Kent, Lawrence, Leviston, Lindsey of Fayette, Manson, McAllister, Miller, Morris, Reynolds, Scudder, Shanklin, Smith of Spencer, Staton, Stevens, Stover, Suit, Sumner, Taggart, Thompson, Torbet, Watson, Wells, Williams, and Withers—37.

So the bill did not pass, there not being a constitutional majority voting therefor.

No. 67. A bill to change the time of holding courts in the 8th judicial circuit ;  
Was read a third time.

The question being, shall the bill pass ?  
And being put,

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant,

Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, English, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Harrison, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Hunt, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, Manson, Mayfield, McDonald, McDowell, Miller, Morris, Nelson, Owen, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—82.

No person voting in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 78. A bill to provide for a uniform enumeration of the subdivisions of sections and quarter sections in the township of land in Monroe county reserved for a State Seminary, and for making out and recording the plats of such subdivisions, and the compensation therefor.

Was read a third time.

The question being, shall the bill pass, and being put,

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Dice, Dobson, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Hunt, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Nelson, Owen, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—78.

*Those who voted in the negative were,*

Messrs. Cowgill, Davis, Hart, Holman, and Stover—5.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

#### SENATE BILLS ON THIRD READING.

No. 36. A bill for the relief of purchasers of school lands where no record has been made of the appraisement, as required by any previous law; and the confirmation of titles to lands previously sold, and prescribing the duties of county auditors in relation thereto.

Was read a third time.

The question being, Shall the bill pass? and being put,

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Davis, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hart, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Hunt, King, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Major, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Reynolds, Scudder, Smith of Spencer, Spencer, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Wilson, and Mr. Speaker—75.

*Those who voted in the negative were,*

Messrs. Behm, Cowgill, Holman, Lindsay of Howard, Manson, Schoonover, Shanklin, Smith of Marion, Stanfield, Torbet, Williams, and Withers—11.

So the bill passed. /

Ordered that the clerk inform the Senate thereof.

#### HOUSE BILLS ON SECOND READING.

No. 14. A joint resolution in relation to constructing a canal around the Falls of the Ohio River;

Was read a second time, and ordered to be engrossed.

No. 81. A bill to authorize trustees to receive conveyances of lands, and donations for the use of schools, literary societies, meet-



ing-houses, churches, Masonic, Odd Fellows, and Sons of Temperance Lodges, and other voluntary and benevolent associations, and some general provisions respecting burying grounds;

Was read a second time.

Mr. Holman moved to recommit the bill to the committee on Corporations, with instructions to perfect the bill.

Mr. Lindsay of Howard moved to amend the motion of Mr. Holman by referring the bill to the Judiciary committee.

The question first being to recommit the bill with the instructions to the committee on Corporations;

It was decided in the negative.

The question then recurred on referring the bill to the Judiciary committee;

And was decided in the affirmative.

No. 83. A bill to divide the State into Congressional Districts;  
Was read a second time.

Mr. Stuart offered the following amendment:

Strike out from the enacting clause and insert the following:

That the State shall be divided into eleven Districts for the election of Representatives in Congress, each of which Districts shall be entitled to one Representative.

SEC. 2. The limits and designation of each of said Districts shall be as follows:

1st District.—The First District shall be composed of the counties of Posey, Vanderburgh, Gibson, Pike, Dubois, Warrick, Spencer, Perry, Crawford, Orange and Harrison.

2d District.—The Second District shall be composed of the counties of Clark, Washington, Jackson, Scott, Jefferson, Jennings and Floyd.

3d District.—The Third District shall be composed of the counties of Switzerland, Ohio, Ripley, Dearborn, Decatur, Franklin and Union.

4th District.—The Fourth District shall be composed of the counties of Fayette, Rush, Hancock, Henry, Wayne and Randolph.

5th District.—The Fifth District shall be composed of the counties of Allen, Whitley, Huntington, Wells, Adams, Jay, Blackford, Delaware, Madison and Grant.

6th District.—The Sixth District shall be composed of the counties of DeKalb, Steuben, Lagrange, Noble, Kosciusko, Elkhart, St. Joseph, Marshall and Laporte.

7th District.—The Seventh District shall be composed of the counties of Lake, Porter, Starke, Fulton, Pulaski, Jasper, Benton, White, Cass, Miami, Wabash and Carroll.

8th District.—The Eighth District shall be composed of the coun-

ties of Tippecanoe, Clinton, Howard, Tipton, Hamilton, Boone and Montgomery.

9th District.—The Ninth District shall be composed of the counties of Marion, Hendricks, Morgan, Johnson, Shelby and Bartholomew.

10th District.—The Tenth District shall be composed of the counties of Brown, Monroe, Lawrence, Orange, Martin, Daviess, Knox, Sullivan, Greene and Owen.

11th District.—The Eleventh District shall be composed of the counties of Fountain, Vermillion, Parke, Putnam, Vigo, Clay and Warren.

Mr. Stuart moved to lay the bill and amendment on the table, and print.

Mr. Brady called a division of the question.

And the question being first, to lay the bill and amendment on the table ;

It was decided in the negative.

Mr. English offered the following amendment to the original bill :

Strike the words " Monroe, Lawrence and Switzerland," out of the 5th section, and in lieu thereof insert " Clark and Scott." And in the 6th section insert the word " Switzerland." And in the 11th section the words " Lawrence and Monroe."

Mr. McDonald moved to lay the amendment of Mr. English on the table ;

And the question being put :

The ayes and noes were demanded by Messrs. English and McDonald.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Bulla, Chowning, Cockrum, Cowgill, Davis, Donaldson, Doughty, Douthit, Eccles, Foster, Gibson, Goudy, Graham, Gunn, Hanna, Harrison, Hay of Clark, Hays of White, Helmer, Henry, Hostetter, Hudson, Huey, Hunt, Laverty, Lawrence, Leviston, Lindsey of Fayette, Litchfield, Major, McConnell, McDonald, Miller, Mudgett, Owen, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Sweet, Thompson, Walker, and Williams—51.

*Those who voted in the negative were,*

Messrs. Behm, Brady, Bryant, Buskirk, Carpenter, Crawford, Dice, English, Geddes, Hart, Hicks, Holladay of Blackford, Holman, Huffstetter, King, Lewis, Lindsay of Howard, Manson, Mayfield, Mc-

Allister, McDowell, Morris, Nelson, Scudder, Spencer, Struble, Stuart, Suit, Sumner, Taggart, Torbet, Watson, Wells, Wilson, Withers, and Mr. Speaker—36.

So the amendment was laid on the table.

Mr. Suit moved that the further consideration of the bill be postponed until Monday next, and that it be made the special order of that day at 10 o'clock, A. M.

Mr. Buskirk moved to amend the motion of Mr. Suit by striking out Monday next, and insert "one week from next Monday."

Pending which,

The Speaker laid before the House the following report from the Trustees of the Indiana University:

*To the General Assembly of the State of Indiana:*

In obedience to law, the Trustees of Indiana University respectfully submit the following Report, exhibiting the condition and progress of the University.

OFFICERS OF THE UNIVERSITY.

At the close of the present college year, the Board of Trustees consisted of the following members, viz:

DAVID H. MAXWELL, *of the county of Monroe.*

WILLIAM T. S. CORNET, *of the county of Ripley.*

JOSEPH S. JENCKS, *of the county of Vigo.*

ALBERT S. WHITE, *of the county of Tippecanoe.*

ROBERT DALE OWEN, *of the county of Posey.*

JOHN I. MORRISON, *of the county of Washington.*

JOHN R. PORTER, *of the county of Vermillion.*

JAMES MORRISON, *of the county of Marion.*

MICHAEL G. BRIGHT, *of the county of Jefferson.*

A letter of resignation has been received from ROBERT DALE OWEN, one of the Trustees, he having doubts whether he could hold the appointment of Trustee and the office of Representative, at one and the same time.

THE FACULTY.

The University has to mourn the irreparable loss of its late distinguished President, who, for the last twenty-two years, had brought to it the aid of his great talents, rare acquirements, and honored name. The Rev. Andrew Wylie, President of the Faculty,

and Professor of Moral Philosophy, died at Bloomington, on the 11th day of November, 1851, after a brief illness of three days. Alike endeared to a domestic circle by the amiable qualities of the heart, and popular among all who were fortunate enough to obtain the benefit of his professional instruction, to Dr. Wylie might well be applied the lines,

“His public with his private virtues strove,  
Which our respect should claim, and which our love.”

As it was considered doubtful whether, at the present juncture, if there were a called session of the Board of Trustees, a quorum would be able to attend, it was determined that the duties of the Chair, which Dr. Wylie has so long and ably filled, should, for the present, be distributed among the other professors.

The following gentlemen now compose the Faculty:

DANIEL READ, A. M., *Professor of Languages.*

REV. THEOPHILUS A. WYLIE, A. M., *Professor of Natural Philosophy.*

CHARLES MARSHALL, A. M., *Professor of Mathematics and Civil Engineering.*

HON. DAVID McDONALD, } *Professors of Law.*

HON. WILLIAM T. OTTO, }

M. M. CAMPBELL, A. M., *Principal of the Preparatory Department.*

Professor MARSHALL having resigned, his resignation to take effect at the close of the current college year, Professor W. C. LARRABEE, now of the Indiana Asbury University, has been elected to the vacant chair, and has accepted the appointment.

The Trustees do not doubt that the experience of Professor LARRABEE in his profession, and the reputation he brings from his present position, will have a happy effect upon the future prospects of the University.

#### STUDENTS.

The number of Students, for each year, from 1840, has been as follows:

In 1840.....	64	Students.
In 1841.....	81	“
In 1842.....	89	“
In 1843.....	115	“
In 1844.....	160	“
In 1845.....	174	“

In 1846.....	198	Students.
In 1847.....	163	"
In 1848.....	177	"
In 1849.....	199	"
In 1850.....	166	"
In 1851.....	172	"

The present college year opens with the prospect of a larger number of Students than has ever before entered the classes of the University.

For the classification and residence of Students, the General Assembly is respectfully referred to the Annual Catalogue of the University.

#### COURSE OF STUDY.

The whole course of study in the College proper, occupies four years. It is the design of the University to maintain the highest standard of education which the state of the country will admit. It is an evil incident to a new state of society, that young men, from want of means, from haste to enter professional life, and other causes, take only a partial course of study. But whatever studies the student in the Indiana University does undertake, he is required to pursue in a regorously accurate and thorough manner. None are permitted to graduate, unless they have completed the prescribed course, which is as extensive as is usual in our oldest and best regulated colleges.

Students, however, completing the course of any one department, are entitled to diplomas, certifying that fact. The scheme of study pursued by each of the classes, is given in the annual catalogue, to which the General Assembly is respectfully referred.

#### LAW DEPARTMENT.

Besides the usual departments of a University, a Law Department, first organized in 1842, is in successful operation.

The growing prosperity of this branch of the University, induced the Trustees, in the year 1847, to associate with the Hon. David McDonald, who at first had its sole charge, the Hon. William T. Otto. The course of instruction consists of lectures on the various titles of the law, and in recitations by the students, from text books of established authority. A mock court has been established, and two sessions are held in each week. Cases are prepared, and counsel designated by the professors, for the plaintiff and for the defendant. The Professors preside over the deliberations, and decide the points involved in the case. These exercises are believed to be of great utility.

The compensation of the Professors in this department is derived solely from the tuition fees of the students.

#### PROPOSED LAW AND MEDICAL BRANCHES, AT INDIANAPOLIS.

By a memorial of the Trustees heretofore submitted to the General Assembly, it will be perceived that it is the intention of the Board, if the General Assembly concur in their suggestions, to establish, with the proceeds to be received from the sale of square number twenty-five, in the city of Indianapolis, heretofore reserved for a State University, a Law and Medical Department of the University at the seat of government. It is believed that the attendance in both these branches will be more numerous, and the advantages to the law and medical students greater, at Indianapolis, than at Bloomington. The greater facility in obtaining subjects, and the vicinity of the State and Law Libraries, are among the inducements for this location.

#### NORMAL DEPARTMENT.

At the regular meeting of the Board, held in October last, a resolution was passed for the establishment of a Normal Department of the University, for the instruction of students in the theory and practice of teaching. It is believed that this should be made a permanent and essential branch of the State University, and that this may be done without setting aside the more extended classical course which entitles to the certificate of a graduate.

#### DISCIPLINE.

The discipline is intended to be strictly parental, and to accomplish its effect by appealing to the better principles of the heart, avoiding in all cases, if it be possible, severe and disgraceful punishments. Students are treated as reasonable beings, and as gentlemen. If it should appear that a student is not susceptible of the influence of such discipline, he is returned to his friends, in the hope that, under other circumstances, he may still form an estimable character.

Immoral, disorderly or dishonorable conduct, or habitual neglect of college duty, is deemed sufficient reason for expulsion. There has, however, for many years past, been little occasion for punishment of any kind, other than caution and admonition before the Faculty.

## STATE OF FINANCES.

On this subject the General Assembly is respectfully referred to the annual report of the Auditor of State. The Trustees are wholly dependent upon that report for information in regard to the condition of the funds in the Loan Office. The average amount derived from that fund, say since the year 1843, has been somewhat less than \$4,000 a year; which, with the tuition fees of about \$1,200 a year, constitutes the fund for the payment of Professors, &c.

## PROPERTY OF THE UNIVERSITY.

Besides the permanent fund, already referred to, the property of the University consists of the campus, containing ten acres, the buildings thereon, and the library and apparatus of the University.

The value of this property may, with approximating accuracy, be set down as follows :

The campus, on which stands the University and other buildings, 10 acres, at \$100.....	\$1,000
The main college edifice, 75 feet by 50, three stories high, in which are the chapel, recitation rooms, library room and society halls.....	12,500
The old building, 60 feet by 31, two stories high. . . .	2,000
The laboratory, 43 feet by 32.....	2,000
The boarding house, 88 feet by 30, two stories high, with small building attached.....	3,000
The library.....	2,500
Chemical and philosophical apparatus and cabinet of minerals.....	800
Total real estate, library and apparatus.....	<u>\$23,800</u>

## CLAIM OF THE STATE UPON CONGRESS.

The Board desire to call the attention of the General Assembly to a claim of undoubted validity, upon Congress, for a portion of one of the two townships intended by Congress to be granted to the State of Indiana, which portion has never been received. The facts connected with this claim have heretofore (to-wit: in the report of the Board, of December, 1848,) been laid before the General Assembly; and to these the attention of the General Assembly is again earnestly and respectfully invited.

## SPHERE AND OBJECTS OF THE UNIVERSITY.

It is believed that our University, under its present organization, including the provision authorising two students from each county to receive instruction free of charge, greatly facilitates the obtaining of a classical education by young men whose parents are in moderate or even indigent circumstances. It is a common, but a very incorrect opinion, that colleges are institutions for the rich alone. It may be of comparatively little moment to our wealthy citizens whether there be a college in Indiana at all, and what its character may be. They have the means of sending their children to Universities in other States or in Europe. It has been estimated that, even with the number of colleges now in our State, upwards of one hundred young men, sons of our citizens, are now pursuing their collegiate studies without its limits; and if the number of colleges in the State were lessened, the number of non-resident students would be proportionably increased. In that case, too, many who now obtain a collegiate education, would be deprived of its advantages. The larger portion of students in our University are aspiring young men from the middle, and even from the very humble walks of life; many of them having, by their own efforts, procured the means of their education, and not a few of them, for the sake of learning, denying themselves, what most would consider the necessaries of life. It ought to be generally known that, in one instance at least, the State of Indiana has conferred the highest office in her gift, on an individual who, while a student at her State University, acted as janitor or door-keeper to the Institution, earning, by chopping fire-wood and other services usually considered menial, the means of a scanty subsistence, while, during college hours, he stored his mind and cultivated his intellect; and finally reaped the reward of self-denial and mental discipline, by reaching the Gubernatorial chair of the State.

The best and wisest men our country ever produced, have favored the establishment of institutions of classical learning. Washington endowed a college with lands, the proceeds of which yield a larger revenue than that of the Indiana University. Jefferson gave the last seventeen years of his life to founding the Virginia University, and desired no other memorial with posterity than as the Author of the Declaration of Independence and the Father of the University of Virginia. Franklin, the practical and the self-taught, was the founder of the University of Pennsylvania. The framers of our former Constitution united, in the same scheme of instruction, common schools and a State University. And, in truth, common schools and colleges go together. They are mutual friends and helpers. They flourish in the same soil. They harmonize in the same system. The common school furnishes to the younger classes of the University well-trained scholars. The University, in return, elevates the general standard of teaching, and qualifications of teach-



ers; and, especially where a normal department is established, supplies well-trained teachers to the common school.

In conclusion, the Board remark that the institution which has been placed in their charge has no rivalry with other institutions in the State. She sends kind and cordial greeting to every other seminary of sound learning belonging to whatever party or sect. There is room for all and work for all. But for herself, standing alone, the one only institution of similar grade in the State, placed outside the pale of all sectarian or other restrictive influence, she commends herself to a wise and liberal policy from the Genetal Assembly, and to the fostering care and patronage of the whole people of Indiana.

By order of the Board, respectfully submitted,

D. H. MAXWELL,  
*President of the Board of Trustees*  
*Indiana University.*

DECEMBER, 1851.

Mr. Buskirk moved to lay the report on the table, and print 1000 copies.

Mr. Graham moved to amend the motion of Mr. Buskirk by striking out 1000 and insert 500.

The question being, first, on laying the report on the table and printing 1000 copies.

And being put,

It was decided in the affirmative.

Mr. Brady moved the House adjourn;

Which motion did not prevail.

The question then recurred on postponing bill No. 83, and making it the special order of the day one week from next Monday, at 10 o'clock.

Mr. English moved to amend the proposition by striking out "next Monday," and insert the first Monday in January, 1900.

And the question being put,

It was decided in the negative.

The question then being to postpone the bill until Monday week and make it the special order of the day;

It was decided in the negative.

The question then recurred on postponing the further consideration of the bill until next Monday at 10 o'clock.

And being put,

The ayes and noes were demanded by Messrs. King and Donaldson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Behm, Bryant, Bulla, Buskirk, Cowgill, Crawford, Davis, Dobson, Eccles, English, Geddes, Gunn, Hay of

Clark, Hays of White, Hicks, Holman, Huey, Huffstetter, Hunt, Kent, King, Leviston, Lindsey of Fayette, Litchfield, Mayfield, McAllister, McDowell, Miller, Nelson, Owen, Reynolds, Scudder, Spencer, Stover, Struble, Stuart, Suit, Sumner, Torbet, Watson, Wells, Wilson, and Withers—45.

*Those who voted in the negative were,*

Messrs. Beach, Beeson, Brady, Carpenter, Chowning, Cockrum, Dice, Donaldson, Doughty, Douthit, Foster, Gibson, Goudy, Graham, Hanna, Harrison, Hart, Helmer, Henry, Holliday of Blackford, Hostetter, Hudson, Laverty, Lawrence, Lewis, Lindsay of Howard, Major, Manson, McConnell, McDonald, Morris, Mudget, Schoonover, Shanklin, Smith of Marion, Stanfield, Stevens, Sweet, Thompson, Walker, Williams, and Mr. Speaker—42.

So the bill was not made the special order of the day for Monday next;

There not being a constitutional majority voting therefor.

The question then recurred on the adoption of the amendment offered by Mr. Stuart.

Pending which,

On motion by Mr. McDonald,

The House adjourned.

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THURSDAY MORNING, 9 o'clock, }  
January 15, 1852. }

The House met.

☐ The journal of the preceding day was read.

Mr. Wilson, from the committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined House bill No. 34, also joint resolution No. 14, and find them correctly engrossed.

## PETITIONS AND MEMORIALS PRESENTED.

By Mr. Hicks:

The memorial of 250 citizens of Vernon and vicinity, in Jennings county, on the subject of temperance ;

Which,

On motion,

Was referred to the committee on Temperance.

On motion by Mr. Graham,

Leave of absence was granted Mr. Suit, on account of ill health.

On motion by Mr. Dobson,

Leave of absence was granted Mr. Stuart, on account of sickness.

On motion by Mr. Hicks,

Leave of absence was granted Mr. Eccles, on account of sickness.

## REPORTS FROM COMMITTEES.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report :

**MR. SPEAKER:**

The committee of Ways and Means, whose duty it is made by law to examine the offices of the Auditor and the Treasurer of State, respectfully report that, having been for some time past engaged in the discharge of that duty, they find in the office of the Treasurer of State, Bonds, Treasury notes and Canal Land Scrip, of the following descriptions and amounts, namely :

Treasury notes of the denomination of fifty dollars, made in pursuance of the act of February 15th, 1840, "for the relief of contractors and others engaged on the public works," which notes have never been filled up, to the number of 2,326, representing the sum of \$116,300.

Treasury notes of the denomination of five dollars, bearing interest at the rate of a quarter of one per cent, authorized to be issued to be exchanged for the fifty dollar notes, by the act for that purpose, approved January 31st, 1842, numbered from 14,000 to 20,000, and countersigned, and signed by the Auditor of State; also, of the same, numbered from 20,000 to 40,000, but not signed; and 220 bills entirely in blank; representing, of this kind of notes now in the Treasurer's office, the sum of \$131,100.

Treasury notes, or scrip, made receivable in payment for lands granted to aid the construction of the Wabash and Erie Canal, west

of the Tippecanoe, 35,596 bills, numbered from 16,100 to 24,999, and not filled up, representing the sum of \$177,980.

Treasury notes, bearing five per cent. interest, of the kind issued to the Bank, not filled up, 1328 bills, representing the sum of \$6,640.

Madison and Indianapolis Railroad scrip, not filled up, 1436 bills, representing the sum of \$7,180.

Indiana 7 per cent. \$100 bonds, 400 bills, signed in sheets by N. Noble, Fund Commissioner, and 3,590 in blank, representing the sum of \$399,000.

Indiana 7 per cent. Internal Improvement bonds, 305 bonds of \$1000 each, not filled up, representing the sum of \$305,000.

Indiana Railroad 5 per cent. \$1000 bonds, not filled up, representing \$62,000.

Bank Loan 5 per cent. \$1000 bonds: 5 bonds, signed by Milton Stapp, but not fully executed, representing \$5,000.

Old Wabash and Erie Canal land scrip, E. of T.: packages numbered 1, 2 and 3 in the schedule of transfer from G. H. Dunn to R. Mayhew, of scrip returned, registered and cancelled, and which should have been destroyed by the committee in 1843-4, amounting in all to \$64,871 88.

Treasury notes of the old issue, in package No. 4 of the same schedule, cancelled, and which should have been destroyed as above: 1943 notes of the denomination of \$5, and 443 of \$50, amounting to the sum of \$30,365.

Making a total, of Bonds, Treasury notes, and Canal Land scrip, of the various kinds above enumerated, of \$1,305,436 88.

Your committee regard it as important that the notes and bonds above designated should be destroyed, as no good can result from keeping them longer in the office of the Treasurer, and their destruction will prevent all possible risk that they might be surreptitiously put in circulation. The investigations already made by the committee have satisfied them of the importance of observing the greatest caution in regard to the public issues of currency, as will be made apparent in the reports the committee will have occasion to make to the House before the close of the session.

In addition to the bonds and notes above mentioned, your committee have examined bonds, representing \$542,000 of 5 per cent.'s, and \$443,000 of 7 per cent.'s, which have been wholly or in part filled up and signed, but have never, probably, been issued; yet, as all these bonds have been defaced by cancellation marks, the committee do not recommend that they be destroyed at present.

For the reasons above assigned, your committee submit to the House the accompanying resolution, and respectfully recommend its passage:

*Resolved*, That the committee of Ways and Means be authorized to burn and destroy certain Bonds, Treasury notes and Scrip, now

deposited in the office of the Treasurer of State, representing in the aggregate the sum of \$1,305,436 88, and which are designated as proper to be destroyed, in the report of the said committee on the subject, this day submitted to the House.

Which report was concurred in, and the resolution agreed to.

Mr. Buskirk presented the account of John Lockwood, for putting up gas pipes, &c.; also, the account of Foote and Rice ;

Which,

On motion,

Were referred to the committee on Ways and Means.

Mr. McAllister, chairman of the committee on Agriculture, made the following report:

**MR. SPEAKER:**

The committee on Agriculture, to whom was referred a resolution of the House in regard to animals going astray and water crafts adrift, have had the subject under consideration, and have directed me to report the following bill and recommend its passage :

No. 88. A bill for taking up of animals going astray, and water craft and other articles of value adrift ;

Which was read a first time, and passed to a second reading.

#### RESOLUTIONS OF THE HOUSE.

Mr. Lindsay of Howard offered the following resolution:

*Resolved*, That hereafter, and until the various committees get through with the press of business now before them, this House will meet at 8 o'clock, A. M., on each day.

Which was not adopted.

On motion by Mr. Gibson,

*Resolved*, That the committee on Rules be instructed to report to this House for its adoption, a rule regulating the action of the House on bills having a majority of all members elected, as required by the Constitution.

On motion by Mr. Owen,

*Resolved*, That the committee on Public Buildings inquire into the expediency of providing for the sale of the present Treasurer's office, and the lot on which it stands.

On motion by Mr. Behm,

*Resolved*, That the committee on the Organization of Courts of Justice be instructed to inquire into the expediency of reporting a bill embodying the following provisions:

1. The jurisdiction of justices of the peace shall be co-extensive with the limits of the county in which they reside.

2. They shall have jurisdiction and recognizance in all civil cases in which the amount claimed does not exceed two hundred dollars.

3. They shall have jurisdiction in all cases of tort, where the damages, or the value of the property claimed, does not exceed one hundred dollars.

4. All executions issued by any justice of the peace shall be made returnable within sixty days.

5. Whenever any constable to whom any execution has been issued, shall fail or neglect to return the same within the time required, it shall be the duty of the justice to issue scire facias against such constable, requiring him to show cause why he has not returned such execution, as required by law.

#### ORDERS OF THE DAY RESUMED.

The House proceeded to the consideration of House bill

No. 83. A bill to divide the State into congressional districts;

The question pending at the adjournment on yesterday was on the adoption of Mr. Stuart's amendment.

Mr. Buskirk offered the following amendment to the original bill.

Strike out of 5th section "Switzerland county."

Add after the word "Rush," in the 6th section, the word "Switzerland."

Mr. Stanfield moved to lay the amendment of Mr. Buskirk on the table.

And the question being put,

The ayes and noes were demanded by Messrs. English and Buskirk.

*Those who voted in the affirmative were,*

Messrs. Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Davis, Dice, Donham, Doughty, Foster, Geddes, Goudy, Graham, Gunn, Harrison, Hart, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Hunt, King, Lawrence, Lindsay of Howard, Major, Manson, May-

field, McConnell, McDonald, Mudget, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Stevens, Stover, Sweet, Thompson, Watson, Withers, and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Buskirk, Crawford, Dobson, Donaldson, Douthit, English, Hanna, Hay of Clark, Holman, Huey, Huffstetter, Humphreys, Leviston, Lewis, Lindsey of Fayette, Litchfield, McAllister, McDowell, Miller, Morris, Nelson, Owen, Smith of Spencer, Spencer, Struble, Sumner, Taggart, Torbet, Wells, Williams, and Wilson—34.

So the amendment was laid on the table.

Mr. English offered the following amendment to the original bill:

Amend so as to place Lawrence and Monroe in the 2d district, and Clark and Scott in the third.

Mr. Beach moved to postpone the further consideration of the subject until Monday, the 26th day of January.

The question being on postponing the further consideration of the subject,

And being put,

The ayes and noes were demanded by Messrs. King and Gibson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Buskirk, Chowning, Crawford, Dobson, Donaldson, Donham, Douthit, English, Gibson, Hanna, Harrison, Hart, Hays of White, Holman, Hostetter, Huey, Huffstetter, Humphreys, Kent, Laverty, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, McAllister, McDonald, Miller, Morris, Nelson, Owen, Reynolds, Smith of Spencer, Spencer, Stover, Struble, Taggart, Torbet, Wells, Williams and Withers—43.

*Those who voted in the negative were,*

Messrs. Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Davis, Dice, Doughty, Foster, Geddes, Goudy, Graham, Gunn, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hudson, Hunt, King, Lawrence, Lindsay of Howard, Mayfield, McConnell, McDowell, Mudget, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Stevens, Sumner, Sweet, Thompson, Watson, Wilson, and Mr. Speaker—44.

So the further consideration of the bill was not postponed.

Mr. McDonald moved to reconsider the vote on postponing the bill until Monday, the 26th inst.

And the question being put,

The ayes and noes were demanded by Messrs. Davis of Franklin and McDowell.

*Those who voted in the affirmative were,*

Messrs. Barker, Buskirk, Chowning, Crawford, Dobson, Donaldson, Donham, Douthit, English, Gibson, Hanna, Hays of White, Holman, Hostetter, Huey, Huffstetter, Humphreys, Kent, Laverty, Leviston, Lewis, Lindsey of Fayette, Litchfield, Major, McAllister, McDonald, McDowell, Miller, Morris, Nelson, Owen, Reynolds, Spencer, Stover, Struble, Taggart, Torbet, Wells, Williams, Wilson, and Withers—41.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Davis, Dice, Doughty, Foster, Geddes, Goudy, Graham, Gunn, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hudson, Hunt, King, Lawrence, Lindsay of Howard, Manson, Mayfield, McConnell, Mudgett, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Sumner, Sweet, Thompson, Watson, and Mr. Speaker—45.

So the vote was not reconsidered.

Mr. Donaldson moved the further consideration of the bill be postponed until Thursday the 22d inst.

Which motion did not prevail.

Mr. English moved that the bill and pending amendments be referred to the committee on the Rights and Privileges of the Inhabitants of this State.

And the question being put:

The ayes and noes were demanded by Messrs. English and Buskirk.

*Those who voted in the affirmative were,*

Messrs. Buskirk, English, Humphreys, Leviston, Lindsey of Fayette, Litchfield, Manson, Stover, and Wells—9.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis, Dice, Donaldson, Donham, Doughty, Douthit, Foster, Geddes, Gib-



son, Goudy, Graham, Gunn, Hanna, Harrison, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hunt, King, Lavery, Lawrence, Lewis, Lindsay of Howard, Major, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stevens, Struble, Sumner, Sweet, Taggart, Thompson, Watson, Williams, Wilson, Withers, and Mr. Speaker—74.

So the bill was not recommitted.

Mr. Hay of Clark called the previous question,  
Which was not seconded by the House.

On motion by Mr. Hanna,  
The House adjourned.

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FRIDAY MORNING, 9 o'clock, }  
January 16, 1852. }

The House met.

The journal of the preceding day was read.

#### PETITIONS AND MEMORIALS PRESENTED.]

By Mr. Wilson;

The petition, and remonstrances of sundry citizens of Huntsville, Randolph county, in reference to incorporating said town.

Which,

On motion,

Were referred to the committee on Corporations.

By Mr. Hanna;

The memorial of sundry ladies and gentlemen of this State, on the subject of Temperance.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Bryant;  
 Several memorials from sundry ladies and gentlemen of this State,  
 on the subject of temperance.  
 Which,  
     On motion,  
 Were referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Behm, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred a petition to change the name of Mary Ann Jones, have had the same under consideration, and have directed me to report that the prayer of said petition is unconstitutional, and that a general law on that subject has already been passed. Said committee ask to be discharged from the further consideration of the subject, and recommend its indefinite postponement.

Which report was concurred in.

Mr. Beach, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary committee, to whom was referred the petition of C. O. Fory and others, praying for a change of the name of Greentown, have had that subject under consideration, and have directed me to report that it would be unconstitutional to grant the prayer of said petitioners, and also that a general law has already passed applicable to like cases. They therefore ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following

enrolled with the engrossed bill of the House of the corresponding number, and find the same to be correctly enrolled.

No. 60. An act to empower railroad companies to receive lands, lots, and other property in subscription of stock.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to which was referred House bill No. 54, a bill concerning deeds and mortgages, and the fee for recording the same, have had the same under consideration, and have directed me to report that, in the opinion of the committee, there is no such defects in the now recognized principles of law, on the subject of the forms of deeds and mortgages, and other instruments of writing, as to require legislation; and the committee deem the following as just reasons why the principles embraced in said bill should not receive the force of law.

1st. Because the bill proposes to give to words used in deeds of conveyance and mortgages a technical and artificial meaning hitherto unknown.

2d. Because such change by legal enactment may give rise to fraud and mistake, at least until by long usage the artificial meaning and effects of the words shall become generally known.

3d. Because it is inadvisable that any particular form of words should be prescribed by law for deeds or mortgages or any other instruments of writing.

4th. It is not desirable to correct by law even an evil in the ordinary business transactions of life, if the evil does not result from, and can be corrected without legal enactment.

5th. Because it is safer to allow men in the execution of any written contracts whatever, to use such form of words in their natural sense as they may deem proper.

And the committee would suggest that the form of deeds and mortgages in common use are not in Indiana the result of legal enactment, but that any form of words would be sufficient in a deed, mortgage, lease, or any other contract which sufficiently expressed the intention of the parties to the instrument, and that in any such instrument, the words made use of would receive their common and ordinary signification.

But even supposing that no injury could result from the enactment of such law, the committee are of the opinion that no law should ever be enacted, unless there be a real and not merely imaginary necessity for it; and inasmuch as men may now adopt their

own language in the execution of conveyances, or in conveyances of real estate, as in other contracts, the committee are of the opinion, that prescribing forms by law, if productive of no evil, could not be productive of good; they are however of the opinion that legislation on the subject of the fees of recorders is necessary, and a proper subject of inquiry by the committee on fees and salaries; the proposition in the bill to dispense with seals in certain cases, the committee deem unwise, inasmuch as it still recognizes the validity of seals in certain cases, and dispensed with their use in others. If the validity of seals, in any case, is still to be recognized by law, the committee suggest that radical change in their use could not be productive of any good and might in practice produce evil results.

The present law on the subject of the acknowledgment of deeds, &c., by married women, the committee must consider wise until it is shown that married women have as much to do with the sale of real estate as their husbands, and therefore as familiar with the contents of the deed; and until it is shown that they are no more subject in the business transactions of life to the influence of the husband than the husband to them.

Without, therefore, entering into a minute argument on the merits of the bill, the committee recommend that the bill be laid on the table.

By the consent of the committee, the report was amended by striking out that portion of the report recommending that the bill be laid on the table, and insert in lieu thereof that the bill be indefinitely postponed.

Mr. Stuart moved to lay the bill on the table, and the question being put,

The ayes and noes were demanded by Messrs. Stuart and Holman.

*Those who voted in the affirmative were,*

Messrs. Beach, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Cowgill, Dobson, Foster, Gibson, Hart, Holman, King, Laverty, Mayfield, McAllister, McDonald, Smith of Marion, Spencer, Stanfield, Stuart, and Torbet—23.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Beeson, Chowning, Cockrum, Crawford, Cromwell, Davis, Dice, Donaldson, Donham, Doughty, Douthit, English, Geddes, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays

of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Hunt, Kent, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—67.

So the bill was not laid on the table.

On motion by Mr. Owen,

The bill was referred to a select committee of five.

Messrs. Owen, English, Linsday of Howard, Chowning, and Sweet were appointed said committee.

The Speaker laid before the House the following communication from the President of the State Bank:

STATE BANK OF INDIANA, }  
INDIANAPOLIS, JAN. 15, 1852. }

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives:*

I received this afternoon a copy of a resolution of the House of Representatives, requesting the President of the State Bank of Indiana to report to the House, "the amount of money loaned by each branch of said bank, during the past year, to stockholders of said bank, and how much to other persons not stockholders."

This bank not having the information called for by the resolution, a copy of it will be immediately forwarded to each branch, requesting an early answer, which, when received, will be promptly communicated to the House of Representatives.

Very respectfully,

J. MORRISON, Pres't.

Which,

On motion,

Was laid on the table.

The Speaker laid before the House the following communication from the Secretary of State :

SECRETARY OF STATE'S OFFICE, }  
Indianapolis, January 16, 1852. }

DR. JOHN W. DAVIS,  
*Speaker of the House of Representatives :*

SIR:—Please to lay the enclosed communication before the House over which you preside.

Respectfully, &c.,  
CHARLES H. TEST,  
*Secretary of State.*

*To the Honorable House of Representatives :*

The undersigned has received a communication enclosing the copy of a resolution, requesting him to inform the House at his earliest convenience, "What services he performs connected with the duties of his office for which he receives compensation, other than his annual salary, and the amount of the different perquisites he may receive with references to the laws authorizing such compensation?"

The terms of the resolution are very general upon the subjects embraced within their scope, and the undersigned has labored faithfully to ascertain the true purport of your enquiries, with a view to make his answer as satisfactory as possible. It cannot be the design of your honorable body to be informed in regard to the law, nor the general duties of the Secretary of State. Without doubt upon these subjects, you are quite as well acquainted as the Secretary himself. The undersigned supposes, however, it is your purpose to inquire into the general amount of labor performed in this department for which the Secretary of State gets a compensation independent of his salary, and the law providing for such compensation. To these subjects he will direct his answer, without entering into a minute detail of all the business done in this branch of the public service. To give a full history of everything done in the office would be an almost endless task, and traveling beyond what the undersigned conceives to be the spirit of your inquiries.

By the general laws of 1844, page 53, section 32, it is provided, "That for the purpose of enabling the Treasurer, Auditor, and Secretary of State to employ a clerk in their respective offices that they each be allowed annually, the amount which they have paid out of their own funds as clerk hire not exceeding two hundred dollars each." Since the time the undersigned has been in office, he has employed a regular clerk at the rate of \$500 each year. This sum, together

with the little employments, amounting to some one or two hundred dollars annually, has barely enabled them to live at the capital of the State. Competent and accommodating gentlemen, fitted for the post of deputy, cannot be had for a less amount. It is true that there is a short space of time in each summer amounting to some two or three months, when the services of a clerk might be dispensed with; but it would require no foresight to perceive that to dismiss the deputy for the short time when his services are not absolutely needed, would be attended with great difficulty in being compelled to procure one at the time when actually necessary, and besides frequently be the means of foisting into the office, one wholly unfitted for the station. It has been the good fortune of the undersigned hitherto to have faithful and competent deputies, and he would have scorned to have offered either of them less than \$500 a year.

As a further reason to show the absolute necessity of employing a regular deputy, it should be remembered that the business connected with all the executive offices in the State, has greatly increased within the last few years. Our population is now full a million, and rapidly augmenting. Besides the patents which are now issued and recorded,—transcripts, and certificates made,—pardons, and remissions granted, and recorded,—and the more than fifteen hundred commissions sent to the various counties, it would occupy nearly the whole time of the Secretary of State to answer the almost daily inquiries made for information by persons in and out of the State; sometimes relating to the business of his office, and frequently upon subjects wholly distinct. Many of these communications require an answer as lengthy as this response, and attended with quite as much labor. While there are numerous inquiries directed to this office which the undersigned might decline to notice, because not directly connected with his official duties, yet courtesy and respect for the public whom he serves, forbids the adoption of such a course. He submits, therefore, whether he could properly dispense with the services of a regular clerk, even at any time of the year, under the circumstances here presented.

While upon this subject, it is proper also to say that of late years, it has been usual, at the conclusion of a large portion of the local acts, and some of the general laws, to insert a clause making it the duty of the Secretary of State to transmit certified copies of such statutes immediately to some county, and frequently to every county in the State. Out of the twenty acts and joint resolutions passed at the present session of the General Assembly, certified copies of just half the number are required to be made out by the Secretary of State in the acts themselves. The undersigned is not complaining of this, and it will afford him pleasure to comply with the demands of the Legislature in this particular; yet let it be recollected that it all requires labor. Additional clerks have been employed to attend to this duty at every session of the Legislature since the present incumbent

has been in office. What amount has been paid out for additional clerk hire for such purposes, he has no means of ascertaining, as no account of the same has been kept. By the acts of 1849, page 10, Section 40, it is declared "That no law shall be so construed as to deprive the Secretary of State of his fees for any certificate or copy of any record or law which may be demanded or required." For all the copies of acts so required or demanded, the undersigned has in no instance made any demand against the State. When counties, corporations, or individuals, have demanded a copy of any act, in most cases a charge has been exhibited requiring payment at the rate of 12½ cents for each 100 words. This amount he supposes he was entitled to receive by virtue of the law of 1846, page 54, Section 41, where it is enacted "That the Secretary of State is hereby authorized to receive and retain as perquisites of his office, all fees for copy of records, making certificates, affixing State seal, and for making deeds for lands." The acts of 1838 allowed 12½ cents for each 100 words, and 50 cents for each certificate and seal. The law of 1838, establishing these fees, never was repealed, and is at this time the law of the land. It is impossible for the undersigned to say with any degree of certainty how much he realizes in the course of the year, from copying laws, making certificates, and in the general performance of official duties for which he is entitled to charge as fee, after deducting the extra clerk hire to which he has already alluded. In some instances the services has been paid for,—in others, no account has been kept; and in a great many cases where the same has been charged, it has never been paid, and, most probably, never will be. At all events the balance would be but trivial.

By virtue of an act approved Feb. 11, 1843, (see acts of that year, page 50) it was made the duty of the Secretary of State to enroll the acts of the Legislature, and the sum of two hundred dollars was annually appropriated to defray the expense of enrolling. Previous to that time it had been done by clerks separately appointed by each branch of the General Assembly. It was, however, ascertained that the cost of enrolling under the old system amounted upon an average, annually, to about seven hundred and thirty dollars, and on this account, the system was changed. By the acts of 1848, p. 55, sec. 65, it was provided, "that an amount equal to the pay of eight enrolling clerks for twelve days each, at three dollars per day each, be allowed the Secretary of State, to pay for extra enrolling clerks at that session." Before the undersigned came into office, by the acts of 1849, page 9, sec. 32, the same extra allowance was made my predecessor for the enrolling of that session, and it was therein declared that the "same should be thereafter allowed annually in said section, in addition to the regular amount now paid for said enrolling."

The undersigned would remark that at the time of transferring the enrolling to the Secretary of State, the services could not be performed, in his judgment, for the sum designated by law. At all



events, it was but a poor compensation for the labor bestowed. While under the old system it cost the State an extravagantly high price, under the new arrangement it was quite too much reduced. A medium ground was the correct one, and a fair compensation would have been about one half the amount it formerly cost per annum. Supposing, however, that the sum of two hundred dollars would then have been a full compensation, it might be well to look at the labor to be then performed, and that required since the undersigned came into office. The volume of laws, both general and local, of the year the change was made, including the indexes, was composed of 352 pages, while the volume of laws, both local and general of 1850, being the first year of enrolling done by the undersigned, was composed of 912 pages, including the indexes; and that of 1851 not far different from the preceding year. Thus it will be perceived that the amount of labor bestowed since he came into office in this service, is almost three times greater than it was at the time of changing the system. The amount now allowed by law for the enrolling is about a fair compensation at any ordinary session of the Legislature. Heretofore almost the entire volume of the laws has been rushed through the Legislature within about ten days of the close of the session—the most of them without engrossment, and a large portion of them without even being read at the clerk's table. The consequence was that the Secretary of State was compelled to employ at a disadvantage to himself, and the public, nearly every one whose services could be secured, to enable him to complete the enrolling against the time fixed for adjournment. Under our present constitution the business of legislation will proceed with greater regularity, and the acts of the Legislature find their way to the table of the enrolling clerk with more uniformity; even though the general amount of labor should be greater than formerly, yet it can be done better for the public, and on fairer terms, than when performed in the regular method as heretofore.

By the Revised Statutes of 1843, page 158, sec. 14, it is made the duty of the Secretary of the State, immediately after the adjournment of the General Assembly, to cause the original laws, joint resolutions, and memorials passed at each session, to be bound in a volume or volumes, of such size as may be most convenient. Also, it is his duty by the 15th section of the same act,

1st. To deliver to the State Printer at the earliest day practicable, copies of all acts, joint resolutions, and memorials as they are passed or adopted by the General Assembly, with proper marginal notes to the general laws, so as to enable said printer to complete the printing thereof within the time required by law.

2d. To prepare and deliver to said printer as soon as may be necessary for the like purpose, a properly digested index of said laws, joint resolutions, and memorials, and also of the journals, and documentary journals of the respective houses.

3d. To superintend the printing specified in this section, and the correction of the proof sheets.

4th. To superintend the stitching together and binding of said laws, resolutions, and journals, in the form and manner in which the same is required by law to be done.

5th. To cause the proper number of said laws, journals, and documentary journals for the respective counties to be packed safely in convenient boxes; and the same to be delivered without delay to the person to transport them to said counties.

No more responsible and important duty than that to which allusion is here made devolves upon the Secretary of State, nor is more important than laborious. It requires promptness of attention and despatch of business, for the reason that the public printer may not be delayed or have excuse for neglect of duty, and that the public may have the benefit of an early publication of the laws. It is not merely to arrange the various acts under appropriate heads, to make proper marginal notes, and copious indexes; but to be always ready to examine and correct the proof, as the printing progresses. Your honorable body will perceive at once that this is more than the work of one person, and to pay the expenses incident to this branch of the Secretary's duty, it is provided in the acts of 1844, page 44: That there be allowed one hundred dollars annually to defray the expenses necessarily incurred by the Secretary of State in copying the laws, and preparing them for publication.

Thus the undersigned has pointed out the different compensations allowed to the Secretary of State, and cited the particular general statutes upon which they are founded.

These sums he has received, and it is unnecessary to say the laws authorizing them were all passed before the present incumbent came into office. His predecessors enjoyed their full benefit.

All of which is respectfully submitted.

CHARLES H. TEST,  
*Secretary of State.*

Which,

On motion by Mr. Buskirk,

Was referred to the committee on Fees and Salaries.

Mr. Gibson, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 61, have directed me to report the same back with the following amendment:

Strike out from the enacting clause and insert—  
And strike out the title and insert—

An act to prevent the destruction of or injury of animals, and the destruction of human life, by railroads, and to provide compensation for the same.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Indiana,* Whenever any animal or animals shall be killed or injured by the cars or locomotives or other carriages used on any railroad in this State, the owner of such animal or animals may recover the value thereof in an action against said company, without proof of negligence or wilful misconduct on the part of officers or servants of such company.

**SEC. 2.** The preceding section shall not apply to any accident occurring on any portion of any such road as may have been securely fenced in, and such fence properly maintained by such company.

**SEC. 3.** Whenever any person shall die from any injury resulting from the negligence or unskillfulness of any of the officers or servants of any railroad company in this State, or the insufficiency of, or defect in such road or the bridges thereof, or the cars or locomotives thereon, such company shall be liable in damages to the wife, or if there be no wife, or she shall fail for three months after such death to prosecute, then to the minor child or children of such deceased; or if such deceased be a female, then to the husband, or if there be no husband, or he shall fail for three months to prosecute, then to the minor child or children of such deceased; or if such deceased be a minor and unmarried, then to the father, or if there be no father, to the mother of such deceased.

**SEC. 4.** There being no law now in existence authorizing actions in the preceding cases, it is declared that an emergency exists requiring the immediate taking effect of this law; and the same is declared to be in effect from and after its passage.

Which report was concurred in, the amendments adopted, and the bill ordered to be engrossed.

Mr. Schoonover, chairman of the committee on Military Affairs, made the following report:

**MR. SPEAKER :**

The committee on Military Affairs, to whom was referred that part of the Governor's Message which refers to the regiment of mounted rifles, and other troops raised in this State, who were engaged in the service of the United States in the war with Mexico, have had that subject under consideration, and have directed me to report

No. 89. A bill in relation to the officers and soldiers of Indiana, who served in the war with Mexico ;

Which was read a first time, and passed to a second reading.

Mr. Sumner, from the committee on corporations, made the following report :

**MR. SPEAKER :**

The committee on Corporations, to whom was referred petition of sundry citizens of the city of Evansville, asking for a repeal of an act amendatory to an act incorporating the city of Evansville, have had the subject under consideration, and have directed me to report the following bill and recommend its passage :

No. 90. A bill to repeal an act amendatory to an act incorporating the city of Evansville.

Which was read a first time and passed to a second reading.

Mr. Hunt, chairman of the committee on Benevolent and Scientific Institutions, made the following report :

**MR. SPEAKER :**

The committee on Benevolent and Scientific Institutions have examined the Indiana Hospital for the Insane, and respectfully submit to the House the following report :

The great importance of this institution, and the deep interest felt in its situation and management by the people of every part of the State, have influenced the committee in giving this subject the most thorough examination their limited time would permit. And they have felt it their duty to examine the books of said institution, at least so far as to satisfy themselves of the manner in which they are kept, and the means they may furnish for the detection of errors or injudicious expenditures.

In performing this duty the committee have been greatly assisted by the unreserved disclosures of the Superintendent, as well as by the systematic accuracy with which the books are kept. Every article purchased for the Hospital from the largest to the most minute, the time, the price, and the person to whom paid, is exhibited on the books with a neatness and precision not exceeded, if equalled by any set of books ever examined by any member of the committee. The system of expenditures adopted by the commissioners, and under which they have acted from the commencement of their operations, is such that the committee can scarcely conceive it possible that any defalcation or unwarrantable expenditure could occur. Their only treasury is that of the State ; and no money can be drawn from it but on a warrant signed by the President of the Board, and countersigned by its Secretary, and then only in small sums at a time. An auditing committee exam-

ines and approves every item, and compares the books with the proper vouchers which are regularly filed, in addition to which a visiting committee examines at unexpected times the expenditures and entire management of the institution.

The system of management and government to which the patients are subjected is the best that science has ever furnished, and is, at all times open to the inspection of their friends and the public. The name, history and medical treatment of each patient admitted into the Hospital is fully recorded; and it must be evident to all visitors that the proportionately large number who have been restored to reason in this institution must in some degree be attributed to the kindness and sympathy with which the patients are treated.

The employments of the patients are as various and as profitable, both for health and usefulness, as the present state of the buildings and grounds will permit. The female patients employ a part of their time in making clothing and other articles which are used in the institution, or sold for the benefit of the patients themselves. By their own exertions a library has been commenced, which has already been used by all the reading patients with great benefit to all.

The by-laws established by the commissioners provide for the most perfect system of neatness, cleanliness and ventilation, for the most humane and soothing treatment of the patients by all the attendants; and every attention is paid to their safety and protection from injuries by themselves or others.

The collection of books, maps and curiosities for the amusement of the patients is slowly increasing through the efforts of benevolent individuals. A single citizen of Fort Wayne has authorized the commissioners to draw on him for one hundred dollars in shrubbery, to ornament the grounds; important legal assistance has been furnished the institution by a distinguished attorney of Brookville, for which these gentlemen are entitled to the thanks of the State.

The first of female philanthropists, Miss Dix, has not ceased to bestow a full share of her exhaustless benevolence upon this institution. In return for all her efforts to advance its interests, her only reward has been a *sun-light* picture of the Indiana Hospital for the Insane, in a handsome frame furnished by the commissioners at their own expense, the gratitude of all the unfortunate of Indiana, and the admiration of the benevolent of all lands.

Of the manner in which the Superintendent and Matron of the Hospital have continued to discharge their arduous and responsible duties, the committee need only say that they would regard any event which might deprive the institution of their services, as a calamity to the State.

In conclusion, the committee wish to express to the House, and to the people of the State, their unanimous opinion that the Indiana Hospital for the Insane has thus far fulfilled the expectations of those friends of humanity in whose efforts it originated; that every year

is increasing its claims upon the people of the State; and that it will, when the additional wings of the building shall be completed, furnish a safe, peaceful and happy home for all the insane of our State; and at the same time furnish all the means of restoration to health and reason that science has yet been able to afford.

Ever since the enlightened Pinel restored a raving maniac to reason by taking off his chains, and treating him as a man and a friend, insanity has been regarded as a curable disease. The system of treatment which originated with him has grown into a science as methodical and complete as any of the medical sciences. And your committee are happy to know that in no institution in the world has it been employed more successfully than in the Indiana Hospital for the Insane.

And the committee ask to be discharged from the further consideration of the subject.

MR. SPEAKER:

Mr. Sumner, from a select committee, made the following report:

The select committee, to whom was referred the petition and remonstrance of citizens of school districts numbered, 2, 3, 5, 6, and 7, of Marshall county, have had the same under consideration, and find from the certificates of trustees of said districts, that the whole number of legally qualified voters under the school law in said districts to be fifty-seven, forty-two of whom we find upon the petition, and fifteen upon the remonstrance. The committee have therefore directed me to report the following bill and recommend its passage.

No. 91. A bill for the repeal of an act entitled, an act approved February 15, 1851, organizing a school district in Marshall county. Which was read a first time and passed to a second reading.

#### RESOLUTIONS OF THE HOUSE.

Mr. McDonald offered the following resolution:

*Resolved*, That one hundred copies of the report of the Auditor of State on the subject of the expenses of the Constitutional Convention be printed for the use of the House.

Mr. Hudson moved to amend the resolution by striking out "100," and insert "1,000."

Mr. Brady suggested "500."

Which was accepted by Mr. Hudson.

The question being put on striking out "100," and inserting "500."  
It was decided in the negative.

Mr. Buskirk moved to amend the resolution by striking out "100" and insert "300."

And the question being put,  
It was decided in the negative.

The question then recurred on the adoption of the resolution, and being put,

The ayes and noes were demanded by Messrs. Behm and McDonald.

*Those who voted in the affirmative were,*

Messrs. Barker, Brady, Bulla, Buskirk, Carpenter, Cockrum, Crawford, Cromwell, Davis, Donaldson, Donham, Doughty, Douthit, English, Geddes, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Hicks, Holliday of Parke, Holliday of Blackford, Holman, Huey, Huffstetter, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Litchfield, Mayfield, McAllister, McDonald, Miller, Morris, Mudgett, Nelson, Owen, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stevens, Thompson, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Beeson, Behm, Bryant, Chowning, Cowgill, Dice, Foster, Harrison, Hays of White, Henry, Hostetter, Hudson, Major, Manson, McConnell, McDowell, Ray, Reynolds, Schoonover, Stover, Struble, Sweet, Taggart, Torbet, and Wilson—27.

So the resolution was adopted.

Mr. Taggart offered the following resolution:

*Resolved*, That hereafter this House will hold afternoon sessions.

Mr. Buskirk moved to amend the resolution by adding, after Monday next.

Pending which,

On motion by Mr. Smith of Spencer,

The House adjourned.

SATURDAY MORNING, 9 o'clock, }  
January 17th, 1852.

The House met.

The Journal of the preceding day was read.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Gibson,

The petition of James Kappeler and others, in relation to a suit pending between them and the State of Indiana.

Which,

On motion,

Was referred to the Judiciary committee.

By Mr. Reynolds,

The remonstrance of Isaac Anderson and others, citizens of Van Buren township, Grant county, against changing, the name of said township to that of Jackson.

Which,

On motion,

Was referred to the committee on Corporations.

By Mr. Buskirk,

The petition of Joseph Anthony, auditor of Delaware county, relative to increasing the salary of said Auditor.

Which,

On motion,

Was referred to the committee on Fees and Salaries.

By Mr. Nelson,

A petition from Henry Cooper, of Allen county, praying the Legislature to pass a special law in relation to a change of venue in certain cases.

Which,

On motion,

Was referred to the committee on the organization of Courts of Justice.

By Mr. Laverty,

A petition from John Matthews, praying for relief in relation to certain land purchased from the State.

Which,

On motion,

Was referred to the committee on Claims.

By Mr. Stuart,

Two memorials from sundry ladies and gentlemen of the State of Indiana, on the subject of Temperance.



Which,  
     On motion,  
 Were referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Behm, from the Judiciary committee, made the following report :

MR. SPEAKER :

The Judiciary committee, having had under consideration the accompanying bill, have directed me to report the same to the House and recommend its passage:

No. 92. A bill in relation to arbitrations and umpirages ;

Which was read a first time and passed to a second reading.

Mr. Stanfield, from the committee on the Judiciary, made the following report :

MR. SPEAKER :

The committee on the Judiciary, to which was referred No. 79, a bill authorizing the construction of Plank, McAdamized and gravel roads, have had the same under consideration, and directed me to report the same back with the following amendment:

Strike out all after the enacting clause and insert the following :

A bill authorizing the construction of Plank, McAdamized and Gravel Roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any number of persons may form themselves into a corporation for the purpose of constructing and owning a plank, McAdamized or gravel road, by complying with the following requirements: They shall unite in articles of association, setting forth the name which they assume, the line of the route, and the place to and from which it is proposed to construct the road, the amount of capital stock and the number of shares into which it is to be divided. The names and places of residence of the subscribers, and the amount of stock taken by each shall be subscribed to said articles of association. Whenever the stock subscribed amounts to the sum of five hundred dollars per mile of the proposed road, copies of the articles of association shall be filed in the office of the recorder of each county through which the road is to pass,

and shall from that time be a corporation known by the name assumed in its articles of association.

SEC. 2. Not less than three nor more than seven directors shall be elected by the stockholders of every such corporation, who shall hold their office for one year, and until their successors are in like manner elected. Notice of the first election for directors shall be given by two weekly publications in some newspaper printed on or near the route of the road.

SEC. 3. The directors may determine the particular manner of construction so as to secure and maintain a smooth and permanent road, the track of which shall be made either of plank, stone, gravel, or other hard material, or in such proportion of either as the directors may deem expedient, so that the same shall form a hard and even surface.

SEC. 4. The directors of said company shall proceed to locate and lay out said road, and may, with the consent of the board of county commissioners of the county locate the same over and upon any state or county road, or other public highway, and thereupon such state or county road, or other public highway, or such portions thereof as may be so occupied or appropriated by said company, shall be and become the property of said company for the purpose of making and maintaining said road and the gates and toll-houses thereon; and the board of county commissioners of the several counties of this State are hereby authorized to give their consent to the appropriation and occupation of any such state or county road, or other public highway, over and upon which any such company may locate any such road.

SEC. 5. Any such company may take releases and conveyances of the necessary lands of any and all persons over whose lands the road may be located, and any such releases or conveyances may be made and executed by any infant, feme covert, guardian, executor or administrator, and shall be valid and effectual in law by obtaining the consent of the proper probate court thereto.

SEC. 6. For the purpose of constructing and locating said road, it shall be lawful for such company, by their agents or persons in their employ, to enter upon any lands to make surveys or estimates, and to take from the land occupied by said road, any stone, gravel, timber, or other material necessary to construct said road, and the bridges thereon.

SEC. 7. In all cases where any person through whose land said road shall run, shall refuse to relinquish the same, or where a contract between the parties cannot be made for the land, it shall be lawful for such company to give notice to some justice of the peace in the county where such difficulty may occur, and that such facts do exist; and such justice shall thereupon summon the owner of such land to appear before him on a particular day within ten days thereafter. In case of infants and insane persons, if there be a guardian, resident of the county where the land is situated, he shall

have at least ten days' notice of the time and place of trial; and when there is no guardian, notice shall be posted up in three of the most public places in the township where the land is situate, at least three weeks prior to the day of trial; and in case of non-residents, the same notice shall be given as is required in case of infants having no guardian; and shall also cause to be summoned three disinterested persons, and cause them to come before him, who, after being legally sworn as jurors, faithfully and impartially to assess the damages, if any, shall proceed to hear the testimony and view the land, and after having taken into consideration the disadvantages the road may be to the same, report thereon in writing whether such person is entitled to damages or not, and if so how much; which report shall be filed with such justice, who shall enter judgment thereon, unless for good cause shown; and in case either party show good cause why judgment should not be entered, the justice may grant a review of the same, either with or without costs: *Provided*, That either party may, at their option, appeal the same to the circuit court of the proper county as in other cases; and such court shall appoint viewers as above directed, who may report to that or the succeeding term, in the discretion of the court, and the judgment of the circuit court shall be final between the parties.

SEC. 8. In all cases where the owner is a minor or insane person, or shall reside out of the county where such land may be, such justice shall cause three notices to be stuck up, of the time and place of appointing viewers, and if no person appear, he may adjourn the trial for two weeks, at the end of which time he shall appoint a guardian *ad litem*, or committee to act for such minor or insane person, as the case may require, in the suit aforesaid; but such appointment need not be made if the guardian at law or the committee of the estate appear to defend, and he shall then proceed as in other cases; and on judgment rendered, and the corporation complying therewith by payment of costs and damages against it, the corporation shall be seized of the lands. Costs shall be awarded or allowed against either party at the discretion of the jury.

SEC. 9. In cases of any appeal from the judgment of any justice of the peace upon any report of any jury for the appraised amount of damages, touching the right of way, or for lands taken for the purpose of constructing thereon the road of such company, as provided in this act, such appeal shall not prevent such company from proceeding in the construction of its road over such lands, nor deprive it of its right of entry thereon for that purpose, which right is hereby expressly granted. *Provided*, That before such company shall so enter and construct its road, it shall either tender to the owner of such lands the full amount of damages which shall have been adjudged to him or her, or shall pay the same into the court to which such appeal may be taken, subject to the order of said court; and every such appeal shall be taken in twenty days from the rendition of said judgment, and not afterward; and the acceptance of

the amount of the judgment, when tendered, shall in all cases be taken to be a waiver of the right to appeal; and a certified copy of the transcript of the judgment of the said justice of the peace, or of the court to which such appeal shall be taken, may be taken by the company and caused to be recorded in the recorder's office of the county where said lands are situate, and such record shall be notice to all the world of the right of the company; and if, in case of any appeal, judgment shall be recovered against such company for a larger amount than was recovered before said justice, then such company shall, within sixty days from the date of said judgment, pay the difference between the amount of the judgment before the justice and that before the said court, in case the amount of the judgment before the justice shall have been previously paid into court, and if not, then the whole amount of said judgment in the appellate court shall be paid to the owner of said land, within the same time, or in default thereof, execution may be issued therefor. And in case it shall at any time be found that the said company is, or shall be in possession of land, the title to which has not been made perfect in such company, it may obtain title to the same by appraisal, judgment, and the payment therefor, as in other cases provided for in this act.

SEC. 10. If any such road, after its completion, or any part thereof, shall be suffered to be out of repair so as to be impassable for the space of one year, unless when the same is repairing, said company shall be liable to be proceeded against by *quo warranto*; and if such company shall suffer the road to be out of repair to the hindrance or delay of travelers for an unreasonable length of time, they shall have no right to collect tolls thereon until the same is repaired.

SEC. 11. It shall be lawful for the directors to require payment from subscribers to the capital stock, of the sums subscribed by them, at such times, and in such proportions, and on such conditions as they shall see fit, under the penalty of the forfeiture of their stock, and of all previous payments thereon, or render such other penalty or forfeiture as such company may by law prescribe; and they shall give notice of the payments thus required, and of the time and place when and where, at least thirty days previous to the time when such payment is required to be made, in a newspaper printed in the county, or in some one of the counties in which such road may be located, or if no newspaper is printed in such county, then by posting up three written or printed notices at the most conspicuous places near where the road is proposed to be located, and at the court house of said county.

SEC. 12. The shares of the corporation shall be deemed personal property, and be transferrable in the manner prescribed by the by-laws; and any person becoming a shareholder by assignment of stock shall succeed to all the rights and liabilities of his assignor, and the directors may provide for any increase of the capital stock that

they may deem advantageous to the corporation: *Provided*, the whole stock shall not exceed three thousand dollars per mile of the road.

SEC. 13. Whenever five consecutive miles of such road shall have been completed, or if the whole of such road shall be less than five miles in length, then in such case, when the whole of such road shall be completed, the directors of such company may erect toll-gates at such points and at such distances from each other as they may deem it proper, and exact toll from persons traveling on the road, not exceeding the following rates: for every sled, sleigh, carriage or vehicle drawn by one animal, one and one half cent per mile, and for every animal in addition thereto one half cent per mile; for every horse and rider or led horse one cent per mile; for every score of sheep or swine, two cents per mile; and for every score of neat cattle, mules or asses, five cents per mile. Persons going to and from funerals, and soldiers of the United States or of this State, while in actual service shall be exempt from toll.

SEC. 14. Every such company or association shall cease to be a body corporate, if, within two years from the time of filing a copy of their articles of association with the county recorder, they shall not have commenced the construction of their road and expended at least ten per cent. of their capital stock, and if, within four years from such time, such road shall not be completed. *Provided, however*, That if it should so happen that such company should fail to complete the whole of their road within four years, then, in that case, all the rights, privileges and franchises conferred by this act upon such company, shall be applicable to, and be the charter of such company for so much of its road as may be completed within four years, as fully and effectually as if the whole road were completed: *Provided*, That, within six months after such road shall have been completed, the directors shall report such fact, together with the cost of its construction, to the Secretary of State.

SEC. 15. Such company may fill all vacancies occurring in their board of directors by resignation or otherwise, by the remaining directors, at any of their meetings; and may make, enact, and publish any and all ordinances and by-laws which they may deem proper, not inconsistent with the laws of this State, in order to regulate the travel upon such road, and the rules to be observed by persons in meeting or passing with teams, and vehicles, and all other matters, including the times and places of holding elections, and the manner in which they shall be conducted, which may be deemed for the welfare of such company.

Any person violating any ordinance or by-law made by such company, shall forfeit and pay to such company the sum of five dollars, to be sued for and collected by such company in an action of debt before any justice of the peace of the county where the offender may be found; such company may change the line of its road whenever they may deem it of public importance, and for the improve-

ment of the road; but shall not avoid the points mentioned in their articles of association. Such company may extend its road by procuring the consent of two-thirds of the stockholders.

SEC. 16. If any toll-gatherer or gate-keeper on said road shall unreasonably detain any person or passenger, after the toll has been paid or tendered, or shall demand or receive any greater toll than is by this act allowed, he shall, for every such offence, forfeit and pay a sum not less than three, nor more than ten dollars, to be recovered before any justice of the peace having jurisdiction, by the party aggrieved, within twenty days after the occurrence.

SEC. 17. If any person or persons, using any part of such road, shall, with intent to defraud such company, pass through any private gate or bars, or along any other ground near said road, to avoid any toll gate, or shall make any untrue statement as to the distance he or they may have traveled, or intend to travel on the road, or shall practice any fraudulent means, and thereby lessen or avoid the payment of tolls, or shall refuse to pay the toll he is bound by law to pay, or shall run by the gate without paying his toll, with intent to defraud the company,—or if any person or persons shall haul upon any part of such road leading to any point or points to which he or they may be hauling, and shall pass through or along any other road or roads to get to such point or points, without first paying his or their toll, with intent to defraud such company, each and every person concerned in such fraudulent practice, shall, for every such offence, forfeit and pay to such company three dollars, which shall be recovered in the name of such company in an action of debt before any justice of the peace of the county where the offender may be found: *Provided*, nothing herein contained shall prevent persons residing on or near the line of said road, from passing thereon between the gates, about their premises, for common and ordinary business.

SEC. 18. If any agent, treasurer, toll-gatherer, or other person to whose possession or custody any of the moneys of such company may come or be, shall convert any of said moneys to his own use, or make way with the same in any way, he shall be deemed guilty of embezzlement, and shall be punished upon indictment found, in the same manner and to the same extent as if he had stolen the amount so embezzled. The neglect or refusal of any such person to pay over on demand to any such company, or their agent, any moneys in his custody or possession, belonging to such company, shall be deemed *prima facie* evidence that he has embezzled the same.

SEC. 19. Upon execution issued upon any judgment or decree, rendered either in favor of such company, against any person or persons, or in favor of any person or persons against such company, property shall be taken and sold for the highest and best price it may bring, and without any valuation or appraisement.

SEC. 20. Such company may purchase and hold lands to the value of not exceeding one-fifth of their capital stock, over and

above such lands as may be necessary in the location and construction of such road.

SEC. 21. For the completion and extension of the road of such company, it shall be lawful for such company to borrow money, either within or without this State, at such rate of interest, and upon such terms in all respects, as may be agreed upon by the parties to such loan; not, however, exceeding the rate of interest allowed by law.

SEC. 22. Such company shall have full power and authority to issue bonds or other evidences of debt, for the purpose of raising money for the completion or extension of its roads, and bearing such rate of interest as such company may deem advisable, not exceeding the rate aforesaid; and such bonds or other evidences of debt may be sold or otherwise disposed of by such company for the purposes aforesaid.

SEC. 23. All existing Plank, Gravel and McAdamized road companies within this State, shall respectively have and possess all the powers and privileges conferred by this act, so far as the same shall be applicable thereto. But nothing herein contained shall impair or affect any of the franchises of any charter heretofore granted, or of any company heretofore organized under the general laws of the State, or any franchises granted by any amendments thereto. And whenever any company has, under any law of this State, constructed any extension of any such road, all the privileges and franchises of such company shall apply to such extension. All acts and parts of acts coming within the purview of this act, are hereby repealed; saving, however, all the rights and privileges and franchises conferred upon any company created or existing under any law or amendments thereto that is hereby repealed, as fully and effectually as if no law is hereby repealed by this act.

SEC. 24. The Legislature reserves the right to alter, amend, or repeal this act, whenever it shall be deemed conducive to the public good.

SEC. 25. The directors of any company that may be formed under the provisions of this act, shall be liable in their individual property for any debt they may contract in the name of the company, over and above the solvent stock of such company.

SEC. 26. That in any suit for or against any company organized under this act, a certificate from the recorder of the proper county that such company has filed in his office a copy of the articles of association as required by the first section of this act, (which copy may be filed any time within two years after their organization,) shall be sufficient evidence of their existence as a corporation, should said fact be disputed.

SEC. 27. This act to take effect and be in force from and after its passage, publication and circulation in the several counties in this State.

Which report was concurred in, the amendments adopted, and the bill ordered to be engrossed.

Mr. Holman, chairman of the Judiciary committee, made the following report:

MR. SPEAKER:

The Judiciary committee, to which was referred the petitions of the citizens of Ohio county, relative to change of roads adjacent to churches, with certain instructions, have directed me to report that special legislation on the subject of said petitions would violate the constitution; and inasmuch as the expediency of a provision in the general road law remedying the evil complained of in the petitions, is a subject of legitimate inquiry by the committee on Roads, therefore the committee recommend the adoption of the following resolution, and ask to be discharged from the further consideration of the subject.

*Resolved*, That the petitions of citizens of Ohio county relative to change of roads running adjacent to churches, be referred to the committee on Roads, with instructions to inquire whether a provision should not be engrafted on the general road law remedying the evil complained of in said petitions, in all instances where the public interest should not be seriously affected injuriously thereby.

Which report was concurred in, and the resolution agreed to.

Mr. Beach, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary committee, to whom was referred the petition of I. Kader, praying for the repeal of the 37th section of the 35th chapter of the Revised Statutes of 1843, have had that subject under consideration, and have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. McDonald, from the committee on Swamp Lands, made the following report:

MR. SPEAKER:

The committee on Swamp Lands, to which was referred that portion of the Governor's message respecting the swamp lands, and



sundry resolutions of this House in relation thereto, have had the same under consideration, and unanimously have directed me to report the accompanying bill and recommend its passage. Your committee deem it unnecessary to enter into a lengthy report of the principles or details of the bill, believing that they will readily present themselves to every reflecting mind. They beg leave to say, however, that the bill has been drawn up with especial reference to the carrying out in good faith the conditions of the grant, with especial reference to the best interest of the whole State as well as of the counties in which large quantities of swamp lands are located, and with especial reference to the provision of our new constitution providing for the increase of the common school fund, and your committee have not the least doubt, if the bill should become the law, but that the common school fund will be increased to a larger amount than if the whole amount of the proceeds should be appropriated for that purpose only.

No. 93. A bill to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant.

Which was read a first time, and passed to a second reading.

#### RESOLUTIONS OF THE HOUSE.

The question pending at the adjournment of the House on yesterday, was on the adoption of the amendment of Mr. Buskirk to the resolution of Mr. Taggart.

After some debate,

The amendment was accepted by Mr. Taggart.

And the resolution, as amended, was adopted.

On motion by Mr. English,

*Resolved*, That there be printed with the communication of the Auditor of State, on the subject of the expenses of the Constitutional Convention, the resolutions under which the President and Secretary acted in closing up the business of said convention, and also the statement of the Printer and Binder, as to the time of completion of their work.

Mr. McDowell offered the following resolution and instructions:

*Resolved*, That the select committee on free banking be requested to inquire into the expediency of incorporating the following provisions in a bill on that subject:

It shall not be lawful for the president, directors, trustees, cashiers or other officers, clerk or agent of any bank, to make dividends except from the profits arising from the business of the bank ;

To divide, withdraw, or in any manner pay to the stockholders or any of them, any part of the capital stock or reduce such capital stock without the consent of the General Assembly ;

To purchase and hold such real estate, and no more than shall be necessary for its banking house, and such personal property as shall be necessary to the transaction of its business ;

Not to loan or discount, to any president, cashier, clerk or other subordinate officer thereof, or upon any paper, or obligation upon which any such president, cashier, clerk or other subordinate officer shall be liable ;

No bank shall directly or indirectly, sell any of its gold or silver coin or export the same out of the State, nor any bank employ any broker to transact any business, or be concerned, either directly or indirectly, in any way whatever, with any broker or in any brokerage business ;

To apply any portion of the funds, property, assets, or effects of their bank, directly or indirectly, to the purchase of shares of its own stock, or to the purchase of stock in any other bank, company, or corporation ;

To make any loan or discount upon the pledge of its own stock as security, or the pledge of any stock of any other bank, company or corporation, or to receive any such shares in payment of any debt due to their bank ;

To receive from any other stock corporation, in exchange for their shares, notes, bonds, or other evidence of debt of their own institution, shares of the capital stock of such other corporation, or to receive in such exchange the notes, bonds, or other evidence of debt issued by such corporation. *Provided*, Nothing herein shall be so construed as to prevent any bank from receiving the circulating notes of any other bank in deposit or in payment of debt ;

To discount or receive any note or other evidence of debt in payment of any stock of their bank required to be paid, or any part thereof, or with intent of preventing the means of making such payment ;

To discount or receive any note or other evidence of debt with intent of preventing the means of making such payment ;

To discount or receive any note or other evidence of debt with intent of enabling any stockholder in their bank to withdraw any part of the money paid by him on his stock ;

To loan or discount to any stockholder or director, upon any note or other evidence of debt, or to permit any director or stockholder to become liable, in any form, to their bank, to a greater amount than one-half the capital stock of such stockholder or director, actually possessed by him ;

To loan to any one individual, whether stockholder, director, or

otherwise, upon any note or other evidence of debt, or to any firm in the aggregate ; or to permit any individual or firm, or individuals comprising a firm, in the aggregate, to become indebted to such bank at any one time to a greater amount than one-twelfth of the capital stock of such bank.

The resolution was adopted.

On motion by Mr. Doughty,

*Resolved*, That the Door-Keeper be instructed to inquire of the Secretary of State why this House cannot be furnished with envelopes that can be used with safety by the members.

On motion by Mr. Torbet,

*Resolved*, That a select committee of three be appointed who shall take into consideration the subject of providing for the publication, circulation and distribution of the laws of this State ; that they shall inquire as to the cheapest and best mode, and report by bill or otherwise.

Messrs. Torbet, Lindsay of Howard, and Douthit were appointed said committee.

On motion by Mr. Hay of Clark,

*Resolved*, That this House will, the Senate concurring therein, go into the election of two commissioners for the Hospital for the Insane, on Wednesday next, 21st inst., at 10 o'clock, A. M.

On motion by Mr. Thompson,

*Resolved*, That the committee on the Organization of Courts of Justice be instructed to inquire into the expediency of so changing the law as to not require resident landholders to give notice to non-residents of their intention to survey undivided lands, and report by bill or otherwise.

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House :

No. 65. Entitled a bill authorizing circuit courts to change the names of persons and corporations."

## ORDERS OF THE DAY RESUMED.

The House proceeded to the consideration of

House bill No. 83. A bill to divide the State into Congressional Districts.

The question being on the adoption of the amendment proposed by Mr. English—

“Amend so as to place Lawrence and Monroe in the second district, and Clark and Scott in the third;”

Mr. King, moved to amend the amendment by adding “the county of Brown;”

Which was not adopted.

The question recurring on the adoption of the amendment proposed by Mr. English, and being put :

The ayes and noes were demanded by Messrs. English and Buskirk.

*Those who voted in the affirmative were,*

Messrs. Buskirk, Cowgill, Crawford, Dice, Dobson, Douthit, English, Geddes, Hanna, Hays of White, Holladay of Parke, Holman, Huey, Huffstetter, Hunt, King, Leviston, Lewis, Lindsey of Fayette, Manson, McAllister, McDonald, McDowell, Miller, Nelson, Reynolds, Stover, Struble, Stuart, Taggart, Torbet, Wells, Wilson, and Mr. Speaker—34.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Davis, Donaldson, Donham, Doughty, Foster, Gibson, Goudy, Graham, Gunn, Hart, Hay of Clark, Helmer, Henry, Hicks, Holliday of Blackford, Hostetter, Hudson, Laverty, Lawrence, Lindsay of Howard, Litchfield, Major, Mayfield, McConnell, Mudget, Owen, Ray, Schoonover, Scudder, Shanklin, Smith of Marion, Spencer, Stanfield, Stevens, Sumner, Sweet, Thompson, Walker, Williams, and Withers—50.

So the amendment was not adopted.

Mr. Stuart withdrew his original amendment, and offered the following as a substitute :

Strike out from the enacting clause and insert :

That the State shall be divided into eleven congressional districts, for the election of one representative to Congress from each district.

SEC. 2. The limits and designation of each of said districts shall be as follows, viz:

*First District*—The counties of Posey, Vanderburgh, Warrick, Spencer, Dubois, Martin, Daviess, Knox, Gibson and Pike shall constitute the first district.

*Second District*—The counties of Perry, Crawford, Orange, Lawrence, Washington, Harrison, Floyd and Clark shall constitute the second district.

*Third District*—The counties of Scott, Jackson, Brown, Bartholomew, Jennings, Jefferson and Switzerland shall constitute the third district.

*Fourth District*—The counties of Ohio, Dearborn, Ripley, Decatur, Rush and Franklin shall constitute the fourth district.

*Fifth District*—The counties of Union, Fayette, Henry, Delaware, Randolph and Wayne shall constitute the fifth district.

*Sixth District*—The counties of Hancock, Marion, Hendricks, Morgan, Johnson and Shelby shall constitute the sixth district.

*Seventh District*—The counties of Monroe, Greene, Sullivan, Vigo, Clay, Owen, Putnam and Parke shall constitute the 7th district.

*Eighth District*—The counties of Montgomery, Fountain, Vermillion, Warren, Tippecanoe, Clinton and Boone shall constitute the eighth district.

*Ninth District*—The counties of Benton, Jasper, Lake, Porter, Laporte, Starke, Fulton, Marshall, Pulaski, White, Carroll, Cass and Miami shall constitute the ninth district.

*Tenth District*—The counties of St. Joseph, Elkhart, Lagrange, Steuben, DeKalb, Noble, Kosciusko, Whitley and Allen shall constitute the tenth district.

*Eleventh District*—The counties of Wabash, Huntington, Wells, Adams, Jay, Blackford, Grant, Madison, Hamilton, Tipton and Howard shall constitute the eleventh district.

Mr. Spencer offered the following amendment to the amendment of Mr. Stuart:

Transfer Switzerland county from the 3d to the 4th district.

Mr. Torbet moved to refer the bill and amendments to a select committee of one from each Congressional district.

And the question being put;

The ayes and noes were demanded by Messrs. Buskirk and Torbet.

*Those who voted in the affirmative were,*

Messrs. Barker, Buskirk, Crawford, Cromwell, Dobson, Donaldson

Donham, Douthit, English, Gibson, Hanna, Hays of White, Holman, Hudson, Huey, Huffstetter, Lavery, Leviston, Lindsey of Fayette, McAllister, McDowell, Miller, Nelson, Owen, Ray, Reynolds, Spencer, Struble, Stuart, Taggart, Torbet, and Wells—32.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cowgill, Cockrum, Davis, Dice, Doughty, Foster, Geddes, Goudy, Graham, Gunn, Harrison, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Hunt, Kent, King, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McConnell, McDonald, Mudgett, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Stevens, Stover, Sumner, Sweet, Thompson, Walker, Williams, Wilson, Withers and Mr. Speaker—56.

So the bill and amendments were not so referred.

The question being on the adoption of the amendment offered by Mr. Spencer,

And being put;

The ayes and noes were demanded by Messrs. Holman and McDonald.

*Those who voted in the affirmative were,*

Messrs. Brady, Buskirk, Crawford, Dobson, Donaldson, Donham, Douthit, English, Hanna, Hays of White, Holman, Huey, Huffstetter, Lavery, Leviston, Lewis, Lindsey of Fayette, McAllister, McDowell, Miller, Owen, Ray, Reynolds, Spencer, Struble, Sumner, Taggart, Torbet, Wells, Williams, Wilson, and Mr. Speaker—32.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Behm, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Davis, Dice, Doughty, Foster, Geddes, Goudy, Graham, Gunn, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Hunt, King, Lawrence, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McConnell, McDonald, Mudgett, Nelson, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Stevens, Stover, Sweet, Thompson, Walker, and Withers—49.

So the amendment was not adopted.

By the unanimous consent of the House,

Mr. Carpenter recorded his vote.

The question then being on striking out and inserting the amendment proposed by Mr. Stuart;

Mr. Brady called a division of the question;

And the question being first on striking out,

And being put,

The ayes and noes were demanded by Messrs. Stuart and Buskirk.

*Those who voted in the affirmative were,*

Messrs. Bryant, Buskirk, Crawford, Cromwell, Dobson, Donaldson, Donham, English, Gibson, Hays of White, Hicks, Holladay of Parke, Holman, Huffstetter, King, Laverty, Leviston, Lindsey of Fayette, Mayfield, McAllister, McDowell, Ray, Struble, Suit, Taggart, Thompson, Torbet, Wells, and Wilson—29.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Davis, Dice, Doughty, Douthit, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Harrison, Hart, Hay of Clark, Helmer, Henry, Holliday of Blackford, Hostetter, Hudson, Huey, Hunt, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Manson, McConnell, McDonald, Mudgett, Nelson, Owen, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Stover, Stevens, Sumner, Sweet, Walker, Williams, Withers, and Mr. Speaker—56.

So the House refused to strike out the bill from the enacting clause.

The question then recurred on ordering the bill to be engrossed.

Pending which,

Mr. Donaldson moved the House adjourn;

And the ayes and noes were demanded by ten members.

*Those who voted in the affirmative were,*

Messrs. Beach, Brady, Bryant, Buskirk, Crawford, Dobson, Donaldson, Gibson, Hanna, Harrison, Hart, Hays of White, Hicks, Holladay of Parke, Holman, Huey, Kent, Leviston, Lindsey of Fayette, Litchfield, McAllister, McDowell, Miller, Reynolds, Smith of Marion, Spencer, Stover, Struble, Stuart, Taggart, Torbet, Williams, and Mr. Speaker—33.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Beeson, Behm, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Davis, Dice, Donham, Doughty, Douthit,

English, Foster, Geddes, Goudy, Gunn, Hay of Clark, Helmer, Henry, Holliday of Blackford, Hostetter, Hudson, Huffstetter, Hunt, King, Laverty, Lawrence, Lewis, Lindsay of Howard, Major, Manson, Mayfield, McConnell, McDonald, Mudget, Nelson, Ray, Schoonover, Scudder, Shanklin, Stanfield, Stevens, Sumner, Sweet, Thompson, Walker, Wells, Wilson, and Withers—52.

So the House refused to adjourn.

Mr. Doughty, under the rule, gave notice of a motion for leave to introduce a bill for the protection of stock.

The question then recurred on ordering the bill to be engrossed ;

And being put,

The ayes and noes were demanded by Messrs. Torbet and English.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bulla, Carpenter, Chowning, Cockrum, Davis, Dice, Donham, Doughty, Douthit, Foster, Goudy, Graham, Gunn, Harrison, Hart, Helmer, Henry, Holliday of Blackford, Hostetter, Hunt, Kent, King, Lawrence, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McConnell, McDonald, Mudget, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Stevens, Stover, Sumner, Sweet, Thompson, Walker, Williams, and Withers—49.

*Those who voted in the negative were,*

Messrs. Behm, Bryant, Buskirk, Cowgill, Crawford, Dobson, Donaldson, English, Geddes, Gibson, Hanna, Hays of White, Hicks, Holladay of Parke, Holman, Hudson, Huey, Huffstetter, Laverty, Leviston, Lindsey of Fayette, McAllister, McDowell, Miller, Nelson, Ray, Reynolds, Spencer, Struble, Stuart, Taggart, Torbet, Wells, Wilson, and Mr. Speaker—35.

So the bill was ordered to be engrossed.

On motion by Mr. McDonald,

The House adjourned.



MONDAY MORNING, 9 o'clock, }  
January 19, 1852. }

The House met.

The journal of the preceding day was read.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 44. Entitled "a bill to extend the time of final payment for University lands, and to exempt purchasers of such lands from forfeiture of the same in certain cases, and to provide for the sale of forfeited lands."

Also, that the Senate has passed the following engrossed joint resolution of the House:

No. 5. Entitled "a joint resolution in relation to mistakes in the purchase of lands in the State of Indiana."

#### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Doughty,

A petition from sundry citizens of Wayne county, in relation to passing a law providing for the more certain payment of costs in criminal cases.

Which,

On motion,

Was referred to the committee on Fees and Salaries.

By Mr. Suit:

A petition from 104 citizens of Clinton county, praying a change of the school law.

Which,

On motion,

Was referred to the committee on Education.

By Mr. Hicks:

A memorial from fifty ladies of Jennings county, on the subject of temperance;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Carpenter :

Two memorials from sundry citizens of the State of Indiana, on the subject of Temperance;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Scudder:

Three memorials from sundry citizens of Daviess county, on the subject of Temperance;

Which,

On motion,

Were referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 18, providing for the examination and admission of insane persons into the Lunatic Asylum of the State of Indiana, have had the same under consideration, and have directed me to report that inasmuch as another bill on the same subject has passed the House, they respectfully recommend that said bill, No. 18, be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Gibson, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary committee, to whom was referred the 17th section of the 5th article of the constitution, with instructions to report a bill regulating pardons and remissions of fines and forfeitures, have had that subject under consideration, and have directed me to report the following bill and recommend its passage:

No. 94. A bill to constitute a council, to be composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons, and the remission of fines and forfeitures;

Which was read a first time and passed to a second reading.

Mr. Withers, from the committee on Roads, made the following report :

**MR. SPEAKER :**

The committee on Roads, to which was referred the accompanying resolution and petitions, relative to the change of roads running past churches in Ohio county, have had the same under consideration, and have directed me to report the same back to the House, deeming it inexpedient to further legislate upon the same, for the reason that a provision has been engrafted on the general road law to meet all such cases.

The committee ask to be discharged from the further consideration of the subject and recommend that it lie upon the table.

Which report was concurred in, and the bill laid on the table.

Mr. Lawrence, from the committee on Roads, made the following report :

**MR. SPEAKER :**

The committee on Roads, to whom was referred a petition of citizens of Porter and Lake counties, have had the same under consideration and directed me to report the same back, and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Spencer, chairman of the committee on Banks, made the following report :

**MR. SPEAKER :**

The committee on Banks, to whom was referred the report of the State Bank and her branches, beg leave to say that they have given said reports a thorough examination, and find that, upon their face, the business of said bank and branches seems to have been conducted within the restrictions and limitations of the charter.

Your committee have found that, in a few instances, there has been a failure to comply with a directory provision of the charter, requiring the offer annually for sale of the real estate belonging to said bank and branches, other than such as may be required for banking purposes ; but as the provision is directory merely, and inasmuch as no ultimate loss can result from a temporary failure to

offer said real estate as aforesaid, your committee recommend a strict compliance hereafter with the requirements of said provision.

Your committee herewith return to the House said reports, and respectfully ask to be discharged from a further consideration of the subject.

Which report was concurred in.

Mr. Lewis, chairman of the committee on Scientific and Benevolent Institutions, made the following report :

**MR. SPEAKER :**

The committee on Scientific and Benevolent Institutions, to whom was referred a resolution directing said committee to report a bill for the enlargement of the Indiana Hospital for the Insane, have had the subject under consideration, and directed me to report the following :

No. 95. A bill to provide for the enlargement of the Indiana Hospital for the Insane ;

Which was read a first time, and passed to a second reading.

Mr. Lewis, chairman of the committee on Benevolent and Scientific Institutions, made the following report :

**MR. SPEAKER :**

The committee on Scientific and Benevolent Institutions, to whom was referred a resolution directing said committee to report a bill giving the board of county commissioners discretionary power to collect from the estates of insane persons the expenses of conveying them to the Indiana Hospital for the Insane, have directed me to say that, in their opinion, it would be wrong to pass a law of the kind, in view of the affliction the insanity of a member of a family necessarily brings upon it—it frequently being a father or mother, whose support is thus worse than withdrawn from said family—and that the small pittance thus bestowed by the State is nothing more than a fitting acknowledgment of sympathy felt by the State at large.

The committee respectfully ask the adoption of the above report, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Owen, from a select committee, made the following report :

MR. SPEAKER:

The select committee, to whom was referred bill of the House No. 54—entitled “a bill concerning deeds and mortgages, their acknowledgment and the fee for recording the same,”—together with the report of the Judiciary committee of the House, recommending the indefinite postponement of the said bill, have had the same under consideration, and have instructed me to make the following

## REPORT.

The committee are unanimously of opinion, that legislation on the subject matter embraced in the bill referred to them is proper and expedient.

The committee are further of opinion that the forms proposed are such as will prove satisfactory to the great mass of the people, in ordinary cases, embracing at least nine-tenths of all deeds executed within the State. Wherever an honest man has confidence in his title, he is willing to convey with all the usual covenants, to-wit: of seisin, right to convey, quiet enjoyment, freedom from encumbrance, and general warranty against all lawful claims; and, in that case, the first form will suit his purpose. Wherever he has no confidence in his title, and is therefore unwilling to do more than to convey his interest, such as it is, to the grantee, without warranty, the quit claim form comes into play. Other intermediate cases there doubtless will be, where it is desired to give a partial warranty only, and for these, other forms may, and will be selected, as at present.

Your committee are aware that a form much more brief than those usually employed to convey land, may lawfully be used for that purpose, without statutory intervention; but it could not be as brief as the forms proposed. Nor is it at all likely that, with the uncertainty as to the legal effect of leaving out any portion of the usual verbiage, men will commonly adopt, any more than they have heretofore adopted, a much shorter form than the present one, until its brevity is sanctioned, and its precise effect made apparent by express statutory provision.

The meaning and effect given, in this bill, to the word *warrant*, though different from its present legal meaning, is not technical or artificial, but such as a plain man usually intends, when he employs the word. The insertion of that word in the proposed form, is due warning to the grantor of the general terms of the grant; and there is no concealed or dangerous implication of covenant.

Your committee are of opinion that the words *heirs of the grantee* ought not to be necessary to constitute a deed of inheritance. A plain man, unversed in law terms, may readily be deceived by their omission, accidental or intentional. Your committee believe that a

conveyance intended to be for life only, should bear, on its face, its intention; and they have reported a section accordingly.

Your committee are firmly convinced that frauds and mistakes will be much less likely to arise, under the simple provisions of this bill, than under the present practice; and that the number of law suits growing out of variously worded covenants, will be materially diminished.

As to seals, they have been used, as your committee conceive, in England, and other old countries, with the intention of giving dignity or solemnity to certain instruments; and this, among us, degraded as they are to a mere flourish of the pen, they fail to do. They have become a mere arbitrary, technical, and artificial distinction, without effect, other than to embarrass and mislead. The act of acknowledgment before a public officer does, to some extent, add solemnity to an instrument, and may properly, your committee think, replace, among us, the antiquated formality of a seal. All official bonds, your committee believe, ought to be so acknowledged.

The present cumbrous form of acknowledgment, by a married woman, is, in the opinion of your committee, without any good, practical result,—very seldom strictly complied with, and a great temptation to disregard of the law and to official falsehood. They approve its repeal; but they think it should be replaced by a provision that, in all cases where the signer of a deed cannot write, and all other cases where the magistrate authorized to receive acknowledgment has good cause to believe that the grantor is not well acquainted with the contents and purport of the deed he is about to sign, it should be the duty of the magistrate to explain the same. They report a section accordingly.

Under these various provisions, the number of words of a warranty deed, in which the wife joins, and which contains a brief description only of the premises, will be, as compared with the words in the form now commonly used, one to five or six. In other words, five or six minutes will suffice to write the one as easily as half an hour to draft the other.

Your committee are, therefore, of opinion that, for deeds so brief, half a dollar is an ample recording fee; but they think it should be paid in advance. Long deeds, as by sheriffs, commissioners, &c., should be paid according to the number of words.

Your committee are, however, of opinion that a provision regarding the fee for recording, and also a provision regarding the abolition of seals generally, cannot be constitutionally incorporated in the same act as that which treats of forms of deeds. They report these provisions, therefore, in separate bills, and recommend their passage.

Your committee have embodied the changes proposed by them to bill No. 54, in a single amendment, herewith submitted. They recommend that the said bill be stricken out from its enacting clause, and the said amendment be inserted; and thus amended, they unanimously recommend its passage.

And they ask to be discharged from the further consideration of the subject.

Amend by striking out after the enacting clause, and inserting:

That any conveyance of real estate worded as follows: A. B. conveys and warrants to C. D., [here describe the premises] for the sum of [here insert the consideration,] the said conveyance being dated and duly signed and acknowledged by the grantor, shall be deemed and held to be a conveyance in fee simple to the grantee, his heirs and assigns, with covenant, from the grantor, for himself and his legal representatives, that he is lawfully seized of the premises, has good right to convey the same, and guarantees the quiet possession thereof; that the same are free from all incumbrance, and that he will warrant and defend the title of the same against all lawful claims.

SEC. 2. Any conveyance of real estate worded as follows: A. B. quitclaims to C. D., [here describe the premises] for the sum of [here insert consideration]; the said conveyance being dated and duly signed and acknowledged by the grantor, shall be deemed and held to be a good and sufficient conveyance in quit claim to the grantee, his heirs and assigns, but without warranty, either general or special.

SEC. 3. In any conveyance of real estate, by which the whole interest of the grantor is conveyed, it shall not be necessary to use the words *heirs of the grantee* to create, in the grantee, an estate of inheritance; and if it be the intention of the grantor to convey any estate less than of inheritance, it shall be so expressed in the deed.

SEC. 4. Any mortgage of real estate worded as follows: A. B. mortgages and warrants to C. D., [here describe the premises.] to secure the payment of [here recite the sum for which the mortgage is granted, or the notes or other evidences of debt sought to be secured, and also the date of repayment]; the said mortgage being dated and duly signed and acknowledged by the grantor, shall be deemed and held to be, a good and sufficient mortgage to the grantee, his heirs and assigns, with warrants from the grantor and his legal representatives, of perfect title in the grantor and against all previous incumbrance. And if, in the above form, the words *and warrants* be omitted, the mortgage shall be good, but without warranty.

SEC. 5. All instruments of writing which by law now are or may hereafter be required to be acknowledged, before a public officer, and no others, shall be deemed and held to be deeds; and the annexation of a seal or scroll shall not be necessary to the validity of any deed.

SEC. 6. All laws requiring a married woman to acknowledge her deed, in any form other than that required of unmarried persons, are hereby repealed.

SEC. 7. Whenever, before any public officer, duly authorized to receive acknowledgment of deeds, the grantor of any deed shall sign the same with his or her mark, and also in all other cases in which the said public officer shall have good cause to believe that

the contents and purport of the said deed are not fully known to the grantor thereof, it shall be the duty of the said public officer, before signature, fully to explain to him or her the contents and purport of the said deed.

SEC. 8. The following shall be a good and sufficient acknowledgment of any deed or mortgage:

Before me, E. F., [a judge, justice, &c., as the case may be,] this \_\_\_\_\_ day of \_\_\_\_\_, A. B. signed and acknowledged the annexed deed; [or mortgage, as the case may be.]

SEC. 9. No conveyance of real estate shall take effect until the same shall have been duly acknowledged.

SEC. 10. This act shall take effect and be in force from and after the 4th day of July next.

Strike out the title of the bill and insert:

A bill regarding the forms of deeds and mortgages, and of their acknowledgment.

Mr. Gibson moved to amend the amendment reported by the committee by adding the word "assigns" after the word "heirs," wherever it occurs;

And the question being put,

It was decided in the affirmative.

Mr. Gibson moved to amend the amendment by striking out section sixth, relative to taking the acknowledgments of married women;

And the question being put:

The ayes and noes were demanded by Messrs. Gibson and Owen.

*Those who voted in the affirmative were,*

Messrs. Behm, Buskirk, Cowgill, Foster, Gibson, Gunn, Helmer, Hicks, Holladay of Parke, Holman, King, Litchfield, Mayfield, McAllister, Scudder, Spencer, Stanfield, Staton, Stuart, Suit, Thompson, and Torbet—22.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Beeson, Bryant, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Goudy, Graham, Hanna, Harrison, Hart, Hay of Clark, Henry, Holliday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Lawrence, Leviston, Lewis, Lindsay of Howard, Major, Manson, McConnell, McDonald, McDowell, Miller, Nelson, Owen, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Stover, Struble, Sweet, Taggart, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker—61.



So the section was not stricken out.

By unanimous consent of the House,

Mr. English recorded his vote.

Mr. Holman moved to amend the amendment by striking out the first four sections and inserting in lieu thereof:

SEC. —. A deed of conveyance or any other written contract whatever, shall be deemed valid and effectual for the purpose contemplated therein, if executed in any form which the parties thereto may think proper to adopt, sufficiently expressive of the object, and the language of any such instrument shall receive its common and ordinary signification.

And the question being put,

The ayes and noes were demanded by Messrs. Behm and Withers.

*Those who voted in the affirmative were,*

Messrs. Beach, Behm, Bulla, Buskirk, Cowgill, Davis, Doughty, Geddes, Gibson, Hays of White, Hicks, Holladay of Parke, Holman, King, Lewis, Litchfield, Mayfield, McDonald, Reynolds, Spencer, Stanfield, Stover, Stuart, Suit, Torbet, and Withers—26.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Beeson, Bryant, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Douthit, English, Goudy, Graham, Gunn, Hanna, Harrison, Hay of Clark, Helmer, Henry, Holliday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Lawrence, Leviston, Lindsay of Howard, Manson, McAllister, McConnell, Miller, Nelson, Owen, Ray, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Sweet, Taggart, Thompson, Walker, Wells, Williams, Wilson, and Mr. Speaker—58.

So the motion did not prevail.

Mr. Gibson moved to amend the amendment by striking out the 9th section.

Which motion did not prevail.

So the amendments of the committee were concurred in.

The question then recurred on the engrossment of the bill.

And being put,

It was decided in the affirmative.

By the unanimous consent of the House,

Mr. Beach offered the following resolution:

*Resolved*, That the door-keeper be instructed to sell the stoves now in use in this hall, and that he purchase and put up in their stead good box stoves of a sufficient size to warm the house.

Which was not adopted.

Mr. Owen, from a select committee, reported the following bill:

No. 96. A bill regulating the fees for recording and copying deeds and mortgages.

Which was read a first time and passed to a second reading.

By the unanimous consent of the House, the bill was amended so as to require the fee for recording to be paid in advance.

Mr. Owen, from a select committee, reported the following bill:

No. 97. A bill regulating seals or scrolls;

Which was read a first time, and passed to a second reading.

By unanimous consent of the House, Mr. Holman introduced

No. 98. A bill authorizing the circuit courts of this State to try and determine indictments for felonies on an enrolled copy thereof duly certified;

Which was read a first time.

Mr. Holman moved to suspend the rule, and read the bill a second time.

And the question being put,

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Foster, Gibson, Goudy, Hanna, Harrison, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, McDonald, Miller, Mudget, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sweet, Taggart, Thompson, Walker, and Williams—72.

*Those who voted in the negative were,*

Messrs. Bryant, Cockrum, Crawford, English, Geddes, Graham, Gunn, Wells, Withers, and Mr. Speaker—10.

So the rule was suspended.

The bill was read a second time ;

When,

On motion by Mr. Spencer,

It was referred to the Judiciary committee.

#### RESOLUTIONS OF THE HOUSE.

On motion by Mr. Spencer,

*Resolved*, That when this House adjourns, it will adjourn to meet at two o'clock this afternoon.

By unanimous consent of the House,  
Mr. Hudson introduced

No. 16. A joint resolution asking a more liberal construction of the act of Congress of May 9th, 1848.

Which was read a first time and passed to a second reading.

On motion by Mr. Torbet,

The vote on referring his resolution offered on last Saturday, relative to the publication, distribution and circulation of the laws of this State, was reconsidered.

When,

On motion,

Said resolution was referred to the committee on Printing.

On motion by Mr. Donaldson, House bill

No. 71. A bill to provide for the election of State and county officers, and repealing all former acts inconsistent with the same,

Was taken from the table and placed upon the files of the House.

On motion by Mr. Spencer,

House bill No. 70. A bill to establish courts of common pleas' and defining the duties and jurisdiction of judges thereof ; together with the amendment,

Were taken from the table, and placed upon the files of the House.

On motion by Mr. Henry.

House bill No. 26. A bill to exempt property from sale in certain cases;

Was taken from the table, and placed on the files of the House.

By unanimous consent of the House,  
Mr. Spencer offered the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law for bringing suits against the State.

Which was adopted.

On motion by Mr. Stuart,

House bill No. 70. A bill to establish courts of common pleas;  
Was made the special order of the day for this afternoon, at 2 o'clock.

On motion by Mr. Lindsay of Howard,

Senate bill No. 33. A bill to prohibit the making distress for rent, by warrant;

Was taken from the table, and placed on the files of the House.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 82. A bill to enable the Madison and Indianapolis Railroad Company to avoid the inclined plane at Madison, to provide for the sale of the interest of the State in said railroad, and to repeal, so far as affects the Madison and Indianapolis Railroad Company, the 55th and 58th sections of the act entitled "an act for the continuance and construction of all or any part of the public works of this State by private companies, and for abolishing the Board of Internal Improvements and the offices of Fund Commissioner and Chief Engineer," approved January 28th, 1842;

Was read a second time.

Mr. English moved to lay the bill and report on the table, and print 150 copies.

Mr. Hicks moved to amend the motion of Mr. English by adding "1500";

And the question being put,  
It was decided in the negative.

Mr. Gibson moved to amend by striking out 150 and insert 300 ;  
Which was accepted.

The proposition of Mr. English as amended was then adopted.

A message from the Senate by Mr. Dunn, their secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed joint resolution thereof:

No. 26, entitled "A joint resolution for the purpose of obtaining from the General Government a grant of the unsold lands belonging thereto, in the Vincennes district, for the benefit of common schools ;

In which the concurrence of the House is respectfully requested.

The joint resolution contained in the foregoing message was read a first time and ordered to a second reading.

No. 85. A bill to provide for the incorporation of subordinate lodges of the Independent Order of Odd Fellows ;

Was read a second time.

Mr. Beeson moved to amend by striking out 50,000 and insert 25,000.

And the question being put,  
It was decided in the negative.

On motion by Mr. Holman,  
The bill was laid on the table.

No. 86. A bill establishing some general provisions respecting corporations ;

Was read a second time.

Mr. McDowell offered the following amendment:

Add the following as an additional section :

The directors of any company that may be formed under the provisions of this act shall be liable in their individual property for any debt that may be contracted in the name of any company as aforesaid, over and above the solvent stock of any company formed as aforesaid.

Which was adopted.

On motion by Mr. Stover,  
The bill was referred to the Judiciary committee.

On motion by Mr. Mudgett,  
The House adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

The House met.

And proceeded to the consideration of House bill

No. 70. A bill to establish courts of common pleas, and defining the jurisdiction and duties of the judges thereof;

Which was made the special order of the day for this hour.

The question being on the adoption of the amendment proposed by Mr. Spencer on the 8th inst.,

Mr. Suit offered the following amendments to the original bill:

SEC. 8. By inserting the word "guardian," in the first line, before "executor."

SEC. 11. Strike out the word "and" where it occurs in the third line.

SEC. 24. Strike out all after the word "require" in the third line.

SEC. 27. After the word "lunatics," in the 6th line, add "and in all cases where the title to lands is in question."

SEC. 31. After the word "thousand," in the third line, add "and under fifteen thousand."

SEC. 34. After the word "guardians," in the first line, add "and granting letters testamentary of administration and guardianship."

On motion by Mr. Suit,

The House proceeded to the consideration of the amendments separately.

The question being first,

On the adoption of the amendment to section 8,

And being put,

It was decided in the affirmative.

The question then being on the adoption of the amendment to section 11,

And being put,

It was decided in the affirmative.

The question being on the adoption of the amendment to Sec. 24,  
Pending which,  
Mr. Reynolds moved the House adjourn.  
Which motion did not prevail.

Mr. Beach offered the following amendment to the 24th section of the original bill:

Strike out the word "probable," in the 4th line of 24th Section, and insert the word "clear."

Which was not adopted, no quorum voting.

On motion of Mr. Holman,  
The House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, 9 o'clock, }  
January 20, 1852.

The House met.

The journal of the preceding day was read.

On motion by Mr. Struble,  
A call of the House was ordered.

The clerk proceeded to the call, when the following members answered to their names, to-wit:

Messrs. Barker, Beach, Beeson, Bryant, Buskirk, Chowning, Cowgill, Crawford, Davis, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Gibson, Goudy, Graham, Gunn, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Hostetter, Hudson, Huey, Humphreys, King, Lawrence, Lindsay of Howard, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Mudgett, Nelson, Owen, Ray, Scudder, Shanklin, Smith of Spencer, Spencer, Stanfield, Staton, Stover, Stuart, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Withers, Wilson, and Mr. Speaker—66.

On motion by Mr. Owen,  
A further call of the House was suspended.

# PETITIONS AND MEMORIALS PRESENTED.

By Mr. Chowning ;

The memorial of sundry ladies and gentlemen of this State, on the subject of temperance.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Crawford :

The memorial of B. B. Snow, and others, of New Corydon, asking the passage of the "Maine law," in reference to the sale of ardent spirits.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Hicks :

The memorial of 125 citizens of Jennings county, on the subject of temperance.

Which,

On motion,

Was referred to the committee on Temperance.

## REPORTS FROM COMMITTEES.

Mr. Huffstetter, chairman of the committee on Roads, made the following report :

MR. SPEAKER :

The committee on Roads, to whom was referred a resolution of the House requiring the committee to inquire into the propriety of reporting a general law prescribing conditions upon which private companies who may undertake to complete the same, such unfinished portion of the original public works of the State as are now unoccupied, have had the same under consideration, have instructed me to report that, in the opinion of the committee, legislation on that subject is unnecessary, and ask to be discharged from further consideration of the subject.

Which report was concurred in.

Mr. Lewis, chairman of the committee on Benevolent and Scientific Institutions, made the following report :



MR. SPEAKER :

The committee on Scientific and Benevolent Institutions, to whom was referred a resolution inquiring into the expediency of providing by law for the care, treatment and custody of epileptic persons in the same manner as insane persons are now provided for, have had the subject under consideration, and have directed me to report that notwithstanding the object set forth is worthy the attention of the citizens of Indiana, that at this time in view of the tax already assessed upon the State for charitable purposes, we had better wait a few years before we ask for the provision spoken of in the resolution.

Which report was concurred in.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and find them correctly enrolled :

No. 44. An act to extend the time of final payment for university lands from forfeiture of the same in certain cases, and provide for the sale of forfeited lands.

No. 65. An act authorising circuit courts to change the names of persons and corporations.

Whereupon, the Speaker signed the same.

Ordered, that the clerk inform the Senate thereof.

Mr. Wilson, from the committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The committee on Engrossed Bills have examined House bill No. 83, and find it correctly engrossed.

#### RESOLUTIONS OF THE HOUSE.

Mr. Nelson offered the following resolution :

*Resolved*, That in the revision of the probate law, by the committee to whom that subject is referred, the following principles shall be observed :

That no administrator shall be required where a widow is left, if the amount of real and personal property does not exceed five hundred dollars; and that it shall go to the widow free from all debts, except legal incumbrances created by her own acts.

All debts due the estate and created after the passage of this act shall be subject to collection without the benefit of appraisement laws.

No creditor shall be permitted to swear to his own claim against the estate, but the same proof shall be required as in other cases.

Administrators shall be required to settle up all estates within two years from the time of appointment, or sooner if the court shall so order, except in cases particularly provided for.

Mr. Gibson moved to amend the resolution by inserting after the word "widow," the following: "in trust for herself and his minor children.

Mr. Owen moved to amend the amendment by adding in the proper place, "his or her."

And the question being put,

It was decided in the negative.

The question then recurred on the adoption of the amendment of Mr. Gibson.

And being put,

It was decided in the affirmative.

Mr. Stanfield offered the following amendment to the resolution, amend by adding, "or any debt that may be outstanding from the deceased husband for purchase money owing on any of such property."

Which amendment was adopted.

Mr. Gibson moved to strike out the last proviso in the resolution.

And the question being put?

It was decided in the affirmative.

On motion by Mr. Beach,

The vote taken on the motion of Mr. Gibson, was reconsidered.

On motion by Mr. Donaldson,

The resolution was amended by making it one of enquiry.

The question then recurring on striking out the last proviso in the resolution, pending which,

On motion by Mr. Nelson,

The resolution and amendments were laid on the table.

On motion by Mr. Stover,

*Resolved*, That the use of this House be granted to Dr. R. T. Brown of Crawfordsville, Indiana, on Thursday evening next, for the purpose of delivering a Lecture on the Geology of Indiana.

On motion by Mr. Smith of Spencer,

*Resolved*, That the Treasurer of State furnish to this House, at as early a day as convenient, the amount expended by the State in the construction of the Indianapolis and Madison Railroad; the amount expended in keeping the same in repair, together with all other expenses, and the amounts received by the State from said road up to the latest settlement.

Mr. Carpenter offered the following resolution :

*Resolved*, That the committee of the Judiciary be instructed to provide by general law for the improvement of Rivers and other navigable streams, as to clean out and build dams for the purpose of making slackwater navigation, by stock companies which may hereafter associate together for that purpose, and report to this House by bill or otherwise.

Mr. Stover moved to change the reference of the resolution, by referring it to the committee on Corporations.

Which was accepted.

The resolution was then adopted.

On motion by Mr. English,

*Resolved*, That the committee on the Organization of Courts of Justice, enquire into the expediency of conferring on the Boards doing County business, the power of regulating the opening and vacating streets and alleys in towns and villages.

On motion by Mr. Spencer,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the propriety of requiring the reference of all accounts and final settlements of Administrators and Guardians to a master in Chancery or such officer as may be created to supply the place of Master in Chancery, before such Guardians or Administrators shall be discharged.

Mr. Graham, by unanimous consent, introduced

No. 17. A joint resolution in relation to the improvement of

the navigation of the Patoka, and the east fork of White river ;  
Which was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Cockrum obtained leave and presented the memorial of Sam'l McCulloch and others, in reference to writs of ad quod damnum ;  
Which,

On motion,

Was referred to the committee on Corporations.

By unanimous consent of the House,

Mr. Holman, chairman of the committee on the Judiciary, made the following report :

MR. SPEAKER :

The committee on the Judiciary, to whom was referred House bill No. 98, have had the same under consideration, and directed me to report the following amendments, and when so amended respectfully recommend its passage.

No. 98. A bill authorizing the circuit courts of this State, to try and determine indictments for felony on an enrolled copy thereof, duly certified.

Amend the bill as follows :

Strike out the preamble and insert the following proviso at the end of the first section :

*Provided, however,* That in all cases where the indictment has been found previous to the passage of this act, and the defendant consents in open court, to go to trial on such copy, and waives the production of the original indictment, in such case the trial shall be had and all proceeding connected therewith as if the original indictment was before the court ; and the defendant being tried thereon, and having once given such consent, such defendant shall not be permitted to withdraw the same.

Also strike out the 2d section, and insert the following :

SEC. 2. It is declared that an emergency exists for the immediate taking effect of this act ; therefore, the same shall take effect and be in force from and after its passage.

Which report was concurred in, the amendments adopted, and the bill ordered to be engrossed.

Mr. Lindsay of Howard moved to suspend the rule, and read the bill a third time now.

And the question being put,

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Bus-

kirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Harrison, Hays of White, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McDonald, Miller, Morris, Nelson, Owen, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—83.

No person voting in the negative.

So the rule was suspended, and the bill read a third time.  
The question being put, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Harrison, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McDonald, Miller, Nelson, Owen, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—82.

*Those who voted in the negative were,*

Messrs. McDowell, Schoonover, and Smith of Spencer—3.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Holliday of Parke, under the rule, gave notice of a motion for leave to introduce the following bills:

A bill providing for the abolishing the probate court as at present organized, and conferring on the circuit court the jurisdiction now held concurrently with the probate court, and dividing the exclusive jurisdiction of said court among the clerks of the circuit court and justices of the peace.

Also, a bill giving concurrent jurisdiction to justices of the peace in certain cases, with the circuit court, with increased jurisdiction.

On motion by Mr. Bulla,

House bill No. 68, a bill for the formation of Agricultural Societies and the encouragement of agriculture, was taken from the table; and,

On motion,

Referred to the committee on agriculture.

By the unanimous consent of the House, Mr. Carpenter introduced

No. 99. A bill relating to prosecuting attorneys in the fourth and eighth judicial circuits.

Which was read a first time and passed to a second reading.

Mr. Lewis gave notice of a motion for leave to introduce

A bill to repeal a part of section 2 of an act relative to the Auditor of Warrick county.

A message from the Senate by Mr. Dunn, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 78, entitled "A bill to provide for a uniform enumeration of sub-division of sections and quarter sections in the township of land in Monroe county, reserved for a State Seminary, and for making out and recording the plats of such sub-divisions, and the compensation therefor."

#### ORDERS OF THE DAY.

The House proceeded to the consideration of bill

No. 70. A bill to establish courts of common pleas.

The question pending at the adjournment on yesterday, was Mr. Beach's amendment to the original bill.

And being put,

It was decided in the negative.

The question then recurred on the adoption of Mr. Suit's amendment to section 24 of the original bill.

Mr. English moved to amend the amendment of Mr. Suit, by adding at the close of the 24th section, the following:

But no person shall be committed or held to bail for a different crime or offence than the one for which such person was originally committed, without notice being given such accused of such additional charge, and a reasonable time allowed for the production of evidence.

And the question being put,  
The ayes and noes were demanded by Messrs. Suit and English.

*Those who voted in the affirmative were,*

Messrs. Crawford, English, Gibson, Hay of Clark, Holliday of Blackford, Hunt, McDonald, McDowell, Spencer, Stover, Suit, Taggart, and Wells—13.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Davis, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Goudy, Gunn, Hanna, Harrison, Hart, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holman, Hudson, Huey, Huffstetter, King, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McConnell, Miller, Nelson, Owen, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Stuart, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—71.

So the amendment to the amendment was not adopted.

Mr. Suit then withdrew his amendment.

The question then being on the adoption of Mr. Suit's amendment to section 28, and being put,

It was decided in the affirmative.

The question then recurred on the adoption of Mr. Suit's amendment to section 31, and being put,

It was decided in the affirmative.

The question then recurred on the adoption of amendment of Mr. Suit to section 34, and being put,

It was decided in the affirmative.

Mr. Stuart offered the following amendments to the original bill:

Strike out the word "Blackford," in the 5th line, 3d section, and insert "Adams."

And further amend by inserting after the word "purpose," in the 6th line of the same section, the following, viz :

"The counties of Jay and Blackford shall form a district for the same purpose."

Which were adopted.

Mr. Lavery, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER :

The committee on Enrolled Bills have compared House bills Nos. 44 and 65, and joint resolution of the House No. 5, and find the same correctly enrolled.

Whereupon, the Speaker signed the same.

Ordered, that the clerk inform the Senate thereof.

Mr. Lavery, from the joint committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The committee on Enrolled Bills has this day presented to the Governor House bill No. 60, for his approval.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. King,

The House adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

The House met.

And resumed the further consideration of House bill No. 70.

The question pending at last adjournment was the amendment of Mr. Spencer to the original bill offered January 8th.

Pending which,

On motion by Mr. Foster,

The House adjourned.



WEDNESDAY MORNING, }  
January 21st, 1852. }

The House met.

The journal of the preceding day was read.

Mr. Wilson, from the committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The committee on Engrossed Bills have examined House bill No. 54, and find it correctly engrossed.

A message from the Senate by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the following resolution of the House :

*Resolved*, That this House will, the Senate concurring therein, go into the election of two Commissioners for the Hospital for the Insane, on Wednesday next, 21st inst., at 10 o'clock, A. M.

The Speaker laid before the House the following communication from the Door-keeper :

HON. JOHN W. DAVIS :

Please lay before the House the following communication :

Yours, respectfully,  
G. W. PATTERSON,  
*Door-keeper of the House of Reps.*

*House of Representatives :*

In obedience to a resolution of the House on the 17th January, '52, to inquire of the Secretary of State, why this House cannot be furnished with envelopes that can be used with safety by the members, the Secretary of State will take pleasure in giving any information to the House relative to his office by written communication which they may request of him, but he declines making the Doorkeeper the medium of such communication, as it might lead to misunderstandings.

Very respectfully,

Your ob't serv't,

G. W. PATTERSON,

*Doorkeeper of the House of Reps.*

Which,

On motion,

Was laid on the table.

A message from the Senate by Mr. Dunn their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House :

No. 15. An act to fix the time at which county treasurers shall make their annual settlement with county auditors and with the Auditor of State, and to authorize them to make deposits under the direction of the Treasurer of State;

With the following engrossed amendments of the Senate thereto.  
In which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate to bill of the House contained in the foregoing message were concurred in.

Ordered, that the clerk inform the Senate thereof.

**PETITIONS AND MEMORIALS PRESENTED.**

By Mr. Williams :

The petition of sundry citizens of Vincennes praying the exemption of firemen from working on highways.

Which,

On motion,

Was referred to the committee on Roads.

By Mr. Hicks :

The memorial of 63 ladies of Jennings county, on the subject of temperance.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Suit:

Two memorials from sundry ladies and gentlemen of this State on the subject of temperance.

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Staton:

The memorial of sundry citizens of this State on the subject of temperance.

Which,

On motion,

Was referred to the committee on Temperance.

On motion by Mr. Wells,

House bill No. 79. A bill authorizing the construction of plank, McAdamized and gravel roads;

Was taken up.

Mr. Wells moved to refer the bill to a select committee, with the following instructions:

It shall be lawful for the board of directors of any plank, gravel, or McAdamized road, by and with the consent in writing of the stockholders holding at least two-thirds of all the stock subscribed to such plank, gravel, or McAdamized road, to change such road into a railroad, provided that in making the change, the railroad shall be located on the same route, as near as practicable, including the points designated in the plat or profile of the plank, gravel, or McAdamized road intended to be changed. It shall be lawful for the president and directors of such plank, gravel, or McAdamized road to do and perform all acts necessary to carry into effect the foregoing provisions. *Provided*, Such act or acts shall not be inconsistent with the laws of this State. The company thus changed shall retain all their rights, privileges, franchises, and immunities, but the change shall not relieve the stockholders or officers from any liabilities incurred, or contracts made; but all liabilities may be enforced in the same manner as if no change had taken place. Whenever any plank, gravel, or McAdamized road company shall have made the change in the manner aforesaid, it shall be the duty of the board of directors of such company to give public notice of such change in some newspaper published in the county or counties where such road may be located, and shall cause such notice and change to be filed in the recorders' office of the county or counties where the same may be located, and every road thus changed and recorded as aforesaid, shall be deemed a railroad, and the company shall be en-

titled to all the rights, privileges, immunities, and franchises, and be subject to all the liabilities that are or may be provided by law for the government of railroad companies.

And the question being put,  
It was decided in the negative.

#### REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the Judiciary committee, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 27, a bill for the more uniform mode of doing township business, have had the same under consideration, and amended the same by striking out from the enacting clause and inserting the accompanying new bill. As amended, a majority of the committee recommend the passage of said bill.

Strike out said bill from the enacting clause and insert the following:

That the board of county commissioners in each county may lay off and divide the same into any number of townships that the convenience of the citizens may require, accurately defining the boundaries thereof; and may from time to time make such alterations in the number and boundaries of such townships as they may deem proper.

SEC. 2. The description of the boundaries of each township shall be entered at full length in the records of such board, as also all alterations in such boundaries, and of all new and additional townships which may be formed.

SEC. 3. The townships now established shall remain as they now are, subject to alteration or subdivision, as provided in this act.

SEC. 4. Each and every township that now is or may hereafter be organized in any county in this State, is hereby declared a body politic, and by the name and style of "—— township of —— county," according to the name of the township and of the county in which the same may be organized; and by such name may contract and be contracted with, sue and be sued in any court having competent jurisdiction.

SEC. 5. The qualified voters in each township shall, on the first Monday in April, annually, at the usual place of holding elections

in such township, elect three trustees, a clerk and treasurer, who shall severally hold their offices for one year and until their successors are elected and qualified, and before entering upon the duties of their respective offices, they shall take an oath or affirmation before a justice of the peace of the proper township for the faithful performances of the duties of their respective offices.

SEC. 6. The trustees, at the first meeting after their election, shall designate one of their number to act as the president of their board in the transaction of business.

SEC. 7. The treasurer, before entering upon the duties of his office, shall execute bond, payable to the State of Indiana, in such penalty not less than two hundred dollars and with such surety as the trustees shall approve.

SEC. 8. Any vacancy occurring in the office of clerk or treasurer shall be filled by the appointment of the trustees until duly filled by election.

SEC. 9. The clerk shall keep a record of all the proceedings of the board of trustees, in a record book to be provided for that purpose, and the record of each meeting shall be signed by the president and attested by the clerk.

SEC. 10. The treasurer shall receive all moneys belonging to the township, and pay the same out to the order of the trustees, signed by the president of the board thereof and attested by the township clerk.

SEC. 11. The first meeting of the trustees shall be held on or before the second Monday of April, annually, after their election; they may meet upon their own adjournment, or a meeting may at any time be called by the president, and the concurrence of two of such trustees shall be sufficient for the transaction of business.

SEC. 12. The clerk shall be the inspector, and the trustees the judges of all elections, and the clerks of every election shall be appointed by the trustees.

SEC. 13. The Township Trustees in the respective Townships shall have the care and superintendence of the highways and bridges therein, and it shall be their duty,

1. To divide their respective townships into convenient highway districts and the same to change at pleasure.

2. To appoint viewers to survey and lay out and open new roads, change and alter old ones, within their respective Townships in such manner as may be prescribed by law.

3. To fill all vacancies that occur in the office of supervisor of highways in their respective Townships.

4. To determine annually upon the amount of tax that shall be assessed for road purposes within the Townships.

5. To see to the proper application of all moneys belonging to the Township for road purposes and direct the application thereof.

6. They shall be the overseers of the poor and fence viewers of their respective Townships; and,

7. Shall have the care and management of all property real and personal belonging thereto, and superintendent of all other interests thereof.

SEC. 14. The Trustees shall cause a record to be made accurately defining the boundaries of each road district, and all alterations made in the boundaries of such districts shall be accurately described on the records of the board.

SEC. 15. The Trustees shall superintend all of the pecuniary concerns of the Township, and shall on or before the first day of May annually, determine on the amount of tax that shall be assessed upon the taxable property of such Township, for Township and Road purposes, and cause the clerk of the Township to report the same to the county Auditor of the proper county, who shall enter the same upon the assessment roll and duplicate in a separate column and the Treasurer of the proper county shall collect the same as other taxes are collected.

SEC. 16. The county Treasurer annually immediately after settling with the county Auditor shall on the order of the Board of Trustees of the proper Township, pay over to the Treasurer thereof all moneys in his hands belonging to such township taking his receipt therefor.

SEC. 17. All vacancies in the office of Township Trustee shall be filled by the Board doing county business, and the trustees so appointed shall continue in office until their respective successors are elected and qualified.

SEC. 18. The trustees shall annually, in the month of February of each year, settle with and audit the accounts of the treasurer and the supervisors of roads in their respective townships, and shall, within fifteen days thereafter, publish a detailed statement of amounts received and expended, for township and road purposes, during the preceding year, either by posting up a certified statement thereof at the place of holding elections, or by publishing the same in some public newspaper published in the township.

SEC. 19. The clerk and treasurer shall receive such compensation for their services as the trustees shall allow; and each of such trustees shall receive as a compensation the sum of seventy-five cents per day while actually engaged as such, and all allowances shall be entered upon the township record, which record shall always be open for public inspection.

SEC. 20. In all prosecutions against a township, process shall be served by delivering a certified copy thereof with the township clerk, at least twenty days before the return day of such process; and the trustees may appoint an agent or attorney to defend any suit or proceeding in which the township may be interested.

SEC. 21. Should any person elected or appointed to any office under this act, fail to perform any duty required of him by any provision thereof, such person so failing shall forfeit and pay to such township any sum not exceeding one hundred dollars, to be recovered

in a civil action in the name of the township, before any court having competent jurisdiction.

Which report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Hicks, from the committee on roads, made the following report:

**MR. SPEAKER :**

The committee on Roads, to whom was referred the petition of Thornton Jones, David Lewis, and others, praying for a State road through Randolph and Delaware counties, have had the same under consideration, and have directed me to make the following report:

That in the first place, it would be unconstitutional to have acted upon the prayer of the petitioners; and in the second place, the bill now before the House upon the subject of roads, provides for the above petitioners.

Therefore, the committee would respectfully ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Lewis, chairman of the committee on Benevolent and Scientific Institutions, made the following report:

**MR. SPEAKER :**

The committee on Scientific and Benevolent institutions, to whom was referred a resolution of the House to report a bill giving to all insane persons, whether curable or incurable, a home in the Indiana Hospital for the insane, have had the same under consideration, and directed me to report: That whenever the said Hospital is sufficiently enlarged to admit all the insane of the State, such a provision would, in their opinion, be right and wholesome; but in view of the fact that the Hospital cannot now hold, with advantage to the patients, more than one hundred and sixty, that the passage of such a law would, at this time, be productive of very great evil, and completely frustrate the original intention of the citizens of the State, with reference to that class of persons.

Your committee ask to be discharged from the further consideration of the subject.

Which report was concurred in.

#### RESOLUTIONS OF THE HOUSE.

On motion by Mr. Behm,

*Resolved*, That the committee on the State Library be instructed

to report a bill authorizing the Librarian to procure a suitable frame for the painting of the Tippecanoe battle-ground, now in said Library.

On motion by Mr. Litchfield,

*Resolved*, That the committee of Ways and Means be instructed to report a bill providing for the appointment of one of the executive officers of this State to proceed to Washington, for the purpose of effecting a settlement between the United States and the State of Indiana of all unsettled business connected with the three per cent. fund.

Mr. Doughty offered the following resolution :

*Resolved*, That the committee on Corporations be requested to inquire into the expediency of presenting a bill to this House providing a general law whereby turnpike road companies may amend their charters.

Which was not adopted.

On motion by Mr. Bryant,

*Resolved*, That the use of this Hall be tendered to Professor Wright for a lecture on Common Schools, on Friday evening next.

On motion by Mr. Carpenter,

*Resolved*, That the committee on Corporations be instructed to inquire into the expediency of providing by law that the assessment of taxes in every incorporated city or town in this State shall be based upon the valuation fixed upon the real property in such town or city, as appraised by the county or township assessor, and report by bill or otherwise.

On motion by Mr. Leviston,

*Resolved*, That the committee on Corporations be instructed to report a bill making general provisions for the organization of town and city corporations.

On motion by Mr. Laverty,

*Resolved*, That the committee on the Judiciary be instructed to inquire as to the expediency of repealing so much of the law relating to the duties of county treasurers as requires said officers to report



the condition of the treasury once every three months, in certain counties.

On motion by Mr. Hanna,  
Leave of absence was granted Mr. Morris.  
On motion by Mr. Withers,

*Resolved*, That the committee on the Organization of Courts of Justice be instructed to inquire into the expediency of providing that constables of the several townships be the bailiffs of the circuit court, and that the board doing county business in each county shall at their first session in each year, cause the names of all the acting constables of their respective counties to be written on a separate piece of paper, and put into a box provided for that purpose, and that said board shall draw from said box the names of as many constables as they deem necessary to discharge said duties as bailiffs; and that said committee report by bill or otherwise.

On motion by Mr. Gibson,

*Resolved*, That the judiciary committee report to this House at the proper time, a general repealing law.

Mr. Nelson gave notice of a motion for leave to introduce a bill dispensing with administration in all cases where the real and personal property does not exceed \$500, and that said amount go to the widow free from all debts of creditors.

A message from the Governor by Mr. King, executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bill, viz:

No. 60. An act to empower railroad companies to receive lands, lots, and other property in subscription of stock;

Which bill originated in the House.

Mr. Lewis, in pursuance of previous notice, obtained leave and introduced

No. 100. A bill to repeal a part of section 2d of "an act rela-

tive to the office of auditor in Warrick county," approved January 19, 1850 ;

Which was read a first time, and passed to a second reading.

By unanimous consent of the House,  
Mr. Hay of Clark offered the following resolution :

*Resolved*, That the Senate be invited to attend in the Hall of the House instantler, for the purpose of going into the election of two Commissioners for the Hospital for the Insane, and that seats be provided on the right of the Speaker's chair.

Which was adopted.

The Senate then came into the Hall of the House,

When both branches of the Legislature proceeded in joint convention, by a viva voce vote, to elect two Commissioners for the Indiana Hospital for the Insane, to fill the vacancy occasioned by the expiration of the term of service of the present incumbents.

The members of the Senate voted as follows :

NAMES OF SENATORS.	Major.	Grimes.	Morris.	Fletcher.
Alexander.....	1	1	1	..
Allen.....	2	2	..	..
Athon.....	3	..	..	1
Berry.....	3	..	2	..
Brugh.....	..	3	..	2
Cravens.....	4	4	..	..
Crawford.....	5	5	..	..
Davis.....	..	6	3	..
Defrees.....	..	7	..	3
Delevan.....	6	8	..	..
Dougherty.....	7	9	..	..
Eddy.....	8	..	..	4
Emerson.....	9	10	..	..
Goodman.....	10	11	..	..
Hanna.....	11	12	..	..
Hatfield.....	..	12	..	5
Henton.....	12	14	..	..
Hester.....	13	15	..	..
Hickman.....	14	16	..	..
James.....	15	..	4	..
Kinnard.....	..	17	5	..
Knowlton.....	..	18	6	..
Logan.....	16	..	..	6
Longshore.....	17	19	..	..
McCarty.....	18	..	..	7
Mickle.....	19	20	..	..
Reid.....	20	21	..	..
Saffer.....	21	..	..	8
Secrest.....	22	22	..	..
Slack.....	23	23	..	..
Sleeth.....	24	..	..	9
Spann.....	25	24	..	..
Teegarden.....	26	..	..	10
Walker.....	27	25	..	..
Washburn.....	28	26	..	..
Winstandley.....	29	27	..	..
Witherow.....	30	28	..	..

The members of the House voted as follows :

NAMES OF REPRESENTATIVES.		Major.	Grimes.	Morris.	Fletcher.
Barker .....	31	29	..	..	..
Beach .....	32	30	..	..	..
Beane .....	33	31	..	..	..
Beeson .....	34	32	..	..	..
Behm .....	35	33	..	..	..
Brady .....	36	..	..	11	..
Bryant .....	..	34	..	12	..
Bulla .....	37	..	..	13	..
Buskirk .....	..	35	7	..	..
Carpenter .....	38	36	..	..	..
Chowning .....	39	37	..	..	..
Cockrum .....	40	..	..	14	..
Cowgill .....	41	..	..	15	..
Crawford .....	42	38	..	..	..
Cromwell .....	43	39	..	..	..
Davis .....	..	40	8	..	..
Dobson .....	..	41	9	..	..
Donaldson .....	..	42	10	..	..
Douham .....	..	43	..	16	..
Doughty .....	44	44	..	..	..
Douthit .....	45	45	..	..	..
Eccles .....	46	46	..	..	..
English .....	47	47	..	..	..
Foster .....	48	48	..	..	..
Geddes .....	49	49	..	..	..
Gibson .....	50	..	..	17	..
Goudy .....	..	50	..	18	..
Graham .....	51	51	..	..	..
Gunn .....	52	..	..	19	..
Hanna .....	53	52	..	..	..
Harrison .....	54	53	..	..	..
Hart .....	55	54	..	..	..
Hay of Clark .....	56	..	..	20	..
Helmer .....	57	..	..	21	..
Henry .....	58	55	..	..	..
Hicks .....	..	56	..	22	..
Holladay of Parke .....	59	..	..	23	..
Holliday of Blackford .....	60	..	..	24	..
Holman .....	..	57	11	..	..
Hostetter .....	61	58	..	..	..
Hudson .....	62	..	..	25	..
Huey .....	63	59	..	..	..
Huffstetter .....	64	60	..	..	..
Hunt .....	65	61	..	..	..
King .....	..	62	12	..	..
Laverty .....	..	63	..	26	..
Lawrence .....	66	..	..	27	..
Leviston .....	67	64	..	..	..
Lewis .....	68	65	..	..	..
Lindsey of Fayette .....	69	66	..	..	..
Lindsay of Howard .....	..	67	..	28	..
Litchfield .....	70	..	..	29	..
Major .....	71	..	..	30	..
Manson .....	..	68	13	..	..
Mayfield .....	..	69	14	..	..
McAllister .....	72	70	..	..	..
McConnell .....	..	71	15	..	..
McDonald .....	..	72	16	..	..
McDowell .....	73	..	17	..	..
Miller .....	74	73	..	..	..
Nelson .....	75	..	..	31	..
Owen .....	76	..	..	32	..
Porter .....	..	74	18	..	..
Ray .....	..	75	..	33	..
Reynolds .....	77	76	..	..	..
Schoonover .....	78	77	..	..	..
Scudder .....	..	..	19	34	..
Shanklin .....	..	78	..	35	..
Smith of Spencer .....	79	..	..	36	..
Spencer .....	..	79	20	..	..
Stanfield .....	80	80	..	..	..

*Members of the House—Continued.*

NAMES OF REPRESENTATIVES.	Major.	Grimes.	Morris.	Fletcher.
Staton.....	81	81	..	37
Stevens.....	82	82	21	..
Stover.....	81	83	..	..
Stuart.....	82	84	..	..
Suit.....	83	85	..	..
Sumner.....	84	..	..	38
Sweet.....	85	..	..	39
Taggart.....	86	86	..	..
Thompson.....	87	..	..	40
Torbet.....	..	87	22	..
Walker.....	88	..	..	41
Watson.....	89	..	..	42
Williams.....	90	..	23	..
Wilson.....	..	88	24	..
Withers.....	..	89	25	..
Mr. Speaker.....	91	90	..	..

## Synopsis of the first vote for commissioners :

Mr. Stephen Major received.....	91 votes.
“ Samuel Grimes “ ..	90 “
“ Calvin Fletcher “ ..	42 “
“ B. F. Morris “ ..	25 “

Whole number of votes given, 124.

Necessary to a choice, 63.

Stephen Major and Samuel Grimes, having each received a majority of all the votes given, were, by the president of the joint convention, declared duly elected commissioners of the Indiana Asylum for the Insane, to serve as such for the term of four years from this date.

The Senate then returned to their chamber.

By the unanimous consent of the House,

Mr. Dobson introduced

No. 101. A bill to divide the State into congressional districts;  
Which was read a first time and passed to a second reading.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER :

The committee on Enrolled Bills have compared the following

enrolled with the engrossed bill of the House of the corresponding number, and find it correctly enrolled :

No. 78. An act to provide for a uniform enumeration of the sub-divisions of sections and quarter sections in the township of land in Monroe county reserved for a State seminary; and for making out and recording the plats of such sub-divisions and the compensation therefor.

Whereupon, the Speaker signed the same.

Ordered, that the clerk inform the Senate thereof.

Mr. Laverty, from the Joint committee on Enrolled Bills, made the following report:

**MR. SPEAKER:**

The committee has this day presented to the Governor for his approval House bills numbered 44 and 65, and House joint resolution No. 5.

#### ORDERS OF THE DAY.

The House resumed the consideration of House bill

No. 70. A bill to establish courts of common pleas, and defining the jurisdiction and duties of the judges thereof.

The question pending at the last adjournment was the motion of Mr. Spencer to strike out from the enacting clause and insert his amendment offered January 8th.

Mr. Stuart offered the following amendment to the original bill:

Amend by inserting the following section between section 25 and section 26:

In the transaction of all business contemplated by the preceding section, and by the next section, and in the performance of all duties devolved upon him to be done in the vacation of the common pleas, said judge shall act as his own clerk; and make his entries and keep a minute of his proceedings in a book to be called the vacation order book, which shall be considered as part of the records of said court, and for all such judicial or ministerial services in vacation, he shall be allowed such fees as may be prescribed by law.

Insert before the last section the following:

Said judge may practice in all the other courts of this State, except in causes that may have come from his own court.

Also, the following:

Said judge of common pleas is hereby prohibited, on penalty of impeachment, from giving any legal advice, or preparing any paper or writing in relation to any cause pending in the court of which he is such judge.

By the unanimous consent of the House,  
Mr. Behm offered the following resolution :

*Resolved*, That we grant the use of this Hall, this evening, to Adam Shambaugh, for the purpose of delivering a lecture on common school education.

Which was adopted.

Mr. Stuart moved the House adjourn until 9 o'clock to-morrow morning.

Which motion did not prevail.

By unanimous consent of the House,

Mr. Holladay of Parke offered the following resolution :

*Resolved*, That the committee on the Organization of Courts of Justice be required to report a bill without delay for the organization of circuit courts, defining the number of districts and the duties devolving on the said circuit court.

Mr. Stuart moved to amend the resolution by adding at the proper place :

That this House adjourn over every afternoon, to give the committee on Organization of Courts of Justice, time to comply with the above resolution.

Which motion did not prevail.

The question then recurred on the adoption of the resolution.

And being put,

It was decided in the negative.

On motion by Mr. Goudy,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met,

And resumed the consideration of House bill No. 70.

The question pending, was the adoption of the amendment of Mr. Stuart to the original bill.

A message from the Governor, by Mr. King, executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 44. An act to extend the time of final payment for University lands, and to exempt purchasers of such lands from forfeiture of the same in certain cases, and provide for the sale of forfeited lands.

No. 65. An act authorizing circuit courts to change the names of persons and corporations.

No. 5. A joint resolution in relation to mistakes in the purchase of lands in the State of Indiana.  
All of which originated in the House.

Mr. Brady moved to amend the amendment of Mr. Stuart, by striking out that part allowing judges to give legal advice.  
Which motion did not prevail.

The question then recurred on the adoption of the amendment of Mr. Stuart.

Mr. Gibson moved to amend the amendment by striking out that part "allowing judges to practice in other courts."  
Which motion did not prevail.

Mr. Lindsay of Howard, moved to amend the amendment by adding, at the proper place, "any litigated cause."  
Which motion prevailed.

The question then recurred on the adoption of Mr. Stuart's amendment;

And being put,

The ayes and noes were demanded by Messrs. Gibson and Stover.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Bryant, Cowgill, Dobson, Donaldson, Donham, Doughty, Eccles, Hays of White, Helmer, Henry, Holliday of Blackford, Hudson, Hunt, King, Lavery, Lawrence, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Mayfield, McAllister, Miller, Mudget, Scudder, Shanklin, Smith of Marion, Stanfield, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, and Mr. Speaker—39.

*Those who voted in the negative were,*

Messrs. Barker, Behm, Bulla, Buskirk, Cockrum, Crawford, Davis, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hicks, Holladay of Parke, Holman, Hostetter, Huey, Hostetter, Major, McDowell, Nelson, Porter, Ray, Schoonover, Smith of Spencer, Spencer, Staton, Torbet, Walker, Watson, Wells, Williams, Wilson, and Withers—38.

So the amendment was adopted.

By unanimous consent of the House Mr. Graham recorded his vote.

The question then recurred on striking out the bill from the enacting clause and inserting the amendment offered by Mr. Spencer, when,

Mr. Scudder offered the following amendment to the original bill: "strike out the word 'twenty-five' in the 6th line of the 11th section, and insert the word fifty."

Which was adopted.

The question then recurred on striking out from the enacting clause and inserting Mr. Spencer's amendment.

Pending which,

On motion by Mr. Stuart,

The House adjourned until to-morrow morning 9 o'clock.



THURSDAY MORNING, 9 o'clock, }  
January 22d, 1852. }

The House met.

The Journal of the preceding day was read.

The Speaker laid before the House the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, January 21, 1852. }

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives:*

SIR:—The following resolution by the House has been presented for my consideration, to-wit:

On motion by Mr. Smith of Spencer,

*Resolved*, That the Auditor of State furnish to this House at as early a day as convenient, the amount expended by the State for the construction of the Indianapolis and Madison railroad, the amount expended in keeping the same in repair, together with all other expenses, and the amounts received by the State from said road up to the latest settlement.

Adopted by House of Reps. Jan. 20, 1852.

GEO. L. SITES.

*Clerk of the House of Reps.*

The records in my office show the following state of facts:

The whole amount expended on this work prior to	
November 1, 1845.....	\$1,624,603 05
Expended for new stock during the year 1849....	5,363 35
Expended for new stock during the year 1850....	8,012 33
Expended for new stock during the year 1851....	2,600 00
Total expenditures to October 31, 1851.....	<u>\$1,640,578 73</u>

*Receipts.*

Total receipts to October 31, 1850.....	\$78,200 87
Dividends on stock in 1851.....	4,691 33
Rent of road.....	1,154 08
	<hr/>
Total receipts to Oct. 31, 1851.....	\$84,046 28
Excess of expenditures to Oct. 31, 1851.....	1,556,532 45
	<hr/>

## STATE'S STOCK IN THE MADISON AND INDIANAPOLIS RAILROAD.

*Statement of Stock owned by the State of Indiana in the Madison and Indianapolis Railroad Company, as it accumulated, as reported by W. N. Jackson, Secretary.*

1843, June, received of commissioners.....	\$4,638 04
1844, Jan., received back freight.....	281 07
1844, Feb. 1, received dividend No. 1.....	294 83
1844, Oct. 1, received back freights.....	60 75
1844, Oct. 1, received rent of road, (1843).....	1,152 04
1845, Feb. 1, received dividend No. 2.....	610 54
1845, Feb. 1, received rent of road, (1844).....	1,152 04
1846, Feb. 1, received dividend No. 3.....	818 93
1846, Feb. 1, received rent of road, (1845).....	1,152 04
1846, Aug. 1, received special dividend.....	573 25
1846, Aug. 1, received dividend No. 4.....	429 34
1847, Feb. 1, received dividend No. 5.....	781 40
1847, Feb. 1, received rent of road, (1846).....	1,152 04
1847, Aug. 1, received dividend No. 6.....	916 74
1848, Feb. 1, received dividend No. 7.....	980 00
1848, Feb. 1, received rent of road (1847).....	1,152 04
1849, Jan. 29, 107 shares new stock.....	5,350 00
1849, Jan. 29, received rent of road, (1848).....	1,152 04
1849, Jan. 29, fraction of stock.....	2 87
1849, March 15, 130 shares new stock (bonus).....	6,500 00
1849, March 15, first instalment on 130 shares new stock, at \$10 per share.....	1,300 00
1850, Jan. 25, second inst. on same, at \$20 per share,	2,600 00
1850, Jan. 25, rent of road, (1849).....	1,150 00
1851, March 17, dividends on stock.....	2,600 00
	<hr/>
	\$36,800 00
March 8, 1849, 106 shares stock sold by State of Indiana.....	5,350 00
	<hr/>
Stock owned Oct. 31, 1851.....	\$31,450 00
	<hr/>

Under the act of January 28, 1842, chapter 1, of General Laws, this work was surrendered to a company, which proceeded to complete, and has since operated the same.

By an act approved January 13, 1845, chapter 52, of General Laws, it was provided that, upon condition the road should be completed to Indianapolis by the first day of July, 1848, the amount required by the act of 1842 to be paid to the State for the year 1845, should be the measure of the annual rent of the State's portion of said road, to be paid by the company for the term of eight years from the passage of the act. This rent was ascertained to be the precise sum of \$1,152 04, which has since been yearly paid by the company. This arrangement expires on the 13th day of January, 1853.

The annual receipts and expenditures of the company can be ascertained on application direct to the corporation.

I am, very respectfully,

E. W. H. ELLIS,

*Auditor of State.*

Which,

On motion by Mr. McDonald,  
Was laid on the table.

#### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Buskirk,

The petition of Andrew Robison of Monroe County, in reference to building an abutment with moneys appropriated out of the 3 per cent fund.

Which,

On motion,  
Was referred to the committee of Ways and Means.

By Mr. Hicks,

Several memorials from 111 citizens of Jennings county on the subject of Temperance.

Which,

On motion,  
Were referred to the committee on Temperance.

By Mr. Behm,

Two memorials on the subject of Temperance from sundry ladies and gentlemen of this State.

Which,

On motion,  
Were referred to the committee on Temperance.

By Mr. Sumner,

Several memorials on the subject of Temperance, from sundry ladies of Marshall county.

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Chowning,

Several memorials on the subject of Temperance, from sundry ladies and gentlemen of this State.

Which,

On motion,

Were referred to the committee on Temperance.

By unanimous consent of the House, Mr. Holman, chairman of the committee on the Judiciary amended the report of the Judiciary committee to House bill No. 27, as follows, to-wit:

Strike out 12th section and insert,

The Trustees shall be judges of all elections, and shall designate the place where elections shall be held in their respective Townships, and the Township clerk together with some other citizen of the Township, appointed by the Trustees shall constitute the clerk thereof.

Mr. McDonald chairman of the committee on Manufactures and Commerce, made the following report.

**MR. SPEAKER :**

The committee on Manufactures and Commerce have had the matter of commerce on the Ohio River under consideration, and directed me to report the following bill, and recommend it to the consideration of the House:

No. 102. A bill regulating the licensing of pilots at the falls of Ohio, requiring bond and security of such pilots; prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots, and the revocation of their licenses.

Which was read a first time, and passed to a second reading.

#### RESOLUTIONS OF THE HOUSE.

On motion by Mr. Stanfield,

*Resolved*, That the committee on Temperance be instructed to inquire into the expediency of providing by law, that it shall not be lawful for any person, board doing county business, body corporate or politic, to grant a permit or license to retail spirituous liquors in any township, unless the applicant therefor shall first present to such person, board doing county business, body corporate or politic, a

petition for such permit or license, signed by a majority of all the freeholders of such townships, and the genuineness of the signatures thereto, verified by the affidavit of the applicant.

Mr. Huffstetter offered the following resolution:

*Resolved*, That the committee on Ways and Means be instructed to provide, in the revision of the revenue laws, for taxing all lands from and after the entry of such lands from the General Government. Which was not adopted.

Mr. Douthit offered the following resolution:

*Resolved*, That the committee on Roads inquire into the expediency of a specific tax on land for road purposes. Which was not adopted.

On motion by Mr. Doughty,

The communication from the Door-Keeper, in answer to a resolution of the House asking information concerning the envelopes furnished to the House by the Secretary of State;

Was taken from the table.

Mr. Dobson moved to lay the communication on the table;

Which motion did not prevail.

Mr. Doughty offered the following resolution:

*Resolved*, That the communication sent by the Secretary of State, in which he refused to confer with the Door-Keeper, be sent back to him, with information that the House refused to receive any such communication.

On motion by Mr. Holman,

The communication and resolution were laid on the table.

The Speaker laid before the House the following communication from his Excellency, the Governor:

INDIANAPOLIS, INDIANA, }  
January 22d, 1852. }

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives:*

You will please to lay before the House of Representatives the enclosed correspondence on the subject of the visit of the illustrious Hungarian exile, Louis Kossuth, to the State of Indiana, in answer to the joint resolution of the Legislature.

And oblige, yours, &c.,

JOSEPH A. WRIGHT.

WASHINGTON CITY, }  
January 12, 1852. }

DEAR GOV.:

I herewith transmit Gov. Kossuth's reply to your letter, which accompanied the resolutions of the Legislature.

I presented them on the 7th inst., and his engagements have been such that he could not reply until now.

He has given me the positive pledge to visit Indiana, but the day he cannot fix until he gets to Ohio.

He and several of his suite talk English well, slowly but accurately.

Most respectfully,  
Your friend,

W. A. GORMAN.

To His Ex. J. A. WRIGHT, Indianapolis.

INDIANAPOLIS, INDIANA, }  
December 29th, 1851. }

His Excellency Governor KOSSUTH:

SIR:—It is to me a matter of pride that I am made the instrument of forwarding to you the joint resolutions of the General Assembly of Indiana, inviting you and your brave companions to visit the capital.

I assure you these resolutions express the sentiments and feelings of the people of our State. We regard you as the representative of free principles of the Old World.

It is the ardent wish of our people, Senators and Representatives, that you will accept this invitation, and, at your earliest convenience, visit the capital of the State.

Be assured that it will give me great pleasure to be able to communicate to the General Assembly, now in session, your favorable answer to this request.

Accept assurances of the highest consideration of,

Yours, most respectfully,

JOSEPH A. WRIGHT.

*To the Governor and General Assembly  
of the State of Indiana:*

The General Assembly of the State of Indiana has, two years past, proved by its joint resolutions that the people of Indiana sympathized with the people of Hungary in their recent struggle, and that it is ready to succor those who have been oppressed.

The Governor and the General Assembly, in honoring me and my compatriots now with a cordial welcome to the capital of Indiana, to be received there as the guests of the State, gives me the hope that the people of Indiana will be ready to support those who struggle for the independence of their country.

The two joint resolutions of the General Assembly, approved by the Governor of the State of Indiana, will be treasured up in the hearts of every Hungarian, as a consolation for the past, and an encouragement for the future.

Accept my warmest thanks for your sympathy and your support.  
L. KOSSUTH.

*Washington City, Jan. 10th, 1852.*

Mr. McDonald moved to refer the communication to a select committee.

On motion by Mr. Holman,  
The communications were laid on the table.

On motion by Mr. English,

*Resolved*, That the President of the Madison and Indianapolis rail road company be requested to furnish this House a statement of the receipts and expenditures of said road, since the beginning of the year 1845, so as to exhibit the nett earnings of said road for each year since that period; also, that he be requested to send to this House a copy of his annual report for the past year, at as early a day as convenient.

On motion by Mr. Lewis,

*Resolved*, That the Judiciary committee be instructed to inquire whether, under the act for the government of the Indiana Hospital for the Insane, approved January 15, 1852, insane colored persons, residing in the State, and having a legal settlement in any county therein, are, by said law, entitled to the benefit of the same, upon taking such steps as are required by said law for the admission into said Hospital, or are the provisions of said act only applicable to white persons.

Mr. Stuart offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of devolving the duty of revision and codification of the statute laws of the State on the law commissioners, in pursuance of the 20th Section, 7th Article of the Constitution, and report by bill or otherwise.

On motion by Mr. Stuart,  
The resolution was laid on the table.

On motion by Mr. Thompson,

*Resolved*, That the committee on Corporations be instructed to inquire into the expediency of reporting a bill to incorporate Commercial Colleges and Law Schools in the State of Indiana, and report by bill or otherwise.

Mr. Beeson offered the following resolution :

*Resolved*, That the committee on Ways and Means be requested to report a bill to this House on usury, giving all persons the right to receive any sum not to exceed ten per cent., on loaned money, if specified in writing; and if not specified, to receive but six per cent.

The question being on the adoption of the resolution,  
And being put;  
The ayes and noes were demanded by Messrs. Dobson and Behm.

*Those who voted in the affirmative were,*

Messrs. Beeson, Bulla, Carpenter, Davis, Doughty, Geddes, Gibson, Harrison, Hart, Hay of Clark, Hays of White, Helmer, King, Lavery, Lawrence, Leviston, Lindsay of Howard, Mayfield, McDonald, Reynolds, Spencer, Stanfield, Stevens, Struble, Sumner, Thompson, and Walker—27.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dice, Dobson, Donham, Douthit, Eccles, English, Foster, Goudy, Graham, Gunn, Hanna, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hufstetter, Hunt, Lewis, Lindsey of Fayette, Litchfield, Major, Manson, McAllister, McConnell, McDowell, Miller, Mudget, Nelson, Owen, Porter, Ray, Schoonover, Scudder,



Shanklin, Smith of Marion, Stover, Stuart, Suit, Sweet, Taggart, Torbet, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—63.

So the resolution was not adopted.

Mr. Lavery, from the joint committee on Enrolled bills, made the following report:

**MR. SPEAKER:**

The joint committee have this day presented to the Governor for his approval, House bill No. 78.

#### ORDERS OF THE DAY.

The House resumed the consideration of House bill No. 70.

The question being on striking out the bill from the enacting clause, and inserting the amendment offered by Mr. Spencer;

Mr. McDowell called the previous question;

Which was seconded by the House.

The question being, Shall the main question be now put?

It was decided in the affirmative.

The question then being put on striking out the bill from the enacting clause, and inserting the substitute proposed by Mr. Spencer,

The ayes and noes were demanded by Messrs. Behm and Spencer.

*Those who voted in the affirmative were,*

Messrs. Bulla, Buskirk, Cockrum, Crawford, Cromwell, Davis, Dice, Donham, Douthit, Eccles, Foster, Gibson, Graham, Gunn, Hart, Hay of Clark, Helmer, Hicks, Holladay of Parke, Holman, Hostetter, Huffstetter, Hunt, Lavery, Lawrence, Litchfield, Major, McDowell, Nelson, Porter, Ray, Schoonover, Smith of Spencer, Spencer, Suit, Sumner, Torbet, Walker, Wells, Wilson, and Withers—41.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Carpenter, Cowgill, Dobson, Donaldson, Doughty, English, Goudy, Hanna, Harrison, Hays of White, Henry, Holliday of Blackford, Hudson, Huey, King, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Mudget, Owen, Reynolds, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Struble, Stuart, Sweet, Taggart, Thompson, Watson, Williams, and Mr. Speaker—48.

So the House refused to strike out, and insert the amendment proposed by Mr. Spencer.

Mr. Harrison, by the unanimous consent of the House, recorded his vote.

The question recurred on ordering the bill to be engrossed, and being put,

The ayes and noes were demanded by Messrs. Spencer and Stuart.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Brady, Bryant, Carpenter, Cowgill, Cromwell, Dice, Dobson, Donaldson, Doughty, Hays of White, Henry, King, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, McAllister, McConnell, McDowell, Miller, Mudget, Owen, Reynolds, Scudder, Shanklin, Stanfield, Staton, Stevens, Struble, Stuart, Suit, Sweet, and Mr. Speaker—36.

*Those who voted in the negative were,*

Messrs. Behm, Bulla, Buskirk, Chowning, Cockrum, Crawford, Davis, Donham, Douthit, Eccles, Foster, Gibson, Goudy, Graham, Gunn, Hanna, Harrison, Hart, Hay of Clark, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Hunt, Laverty, Lawrence, Litchfield, Major, Manson, Mayfield, McDonald, Nelson, Porter, Ray, Schoonover, Smith of Marion, Smith of Spencer, Spencer, Sumner, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Withers—53.

So the bill was not ordered to be engrossed.

By unanimous consent of the House, Mr. Suit offered the following resolution :

*Resolved*, That a select committee of one from each judicial district be appointed, whose duty it shall be to report a bill organizing circuit courts, with general criminal, civil, and probate jurisdiction.

Mr. King moved to amend the resolution by striking out the words, "and probate."

Which motion did not prevail.

Mr. Suit moved to change the reference of the resolution to the committee on the Organization of Courts of Justice.

Mr. English moved to lay the resolution on the table.

Which motion did not prevail.

Mr. Smith of Marion offered the following amendment to the resolution :

Strike out from the resolving clause and insert the following:

That the committee on the Organization of Courts of Justice be directed to report a bill to continue probate courts, and make such amendments to the probate laws as in their judgment may seem proper, and that they also revise the laws relative to circuit courts.

On motion by Mr. Suit,  
The resolution and pending amendments were laid on the table.  
By unanimous consent of the House,  
Mr. Suit offered the following resolution:

*Resolved*, That the committee on the Organization of Courts be instructed to report a bill for the division of the State into 20 circuits for judicial purposes and requiring the holding of four terms of court in each county of the State, and conferring on such courts general jurisdiction in all judicial proceedings, and also to increase the ministerial surrogate powers of the clerks of such courts.

Mr. Holladay of Parke offered the following amendment to the resolution:

“And inquire into the expediency of increasing the ministerial duties of justices of the peace.”

Pending which,

On motion by Mr. Lindsay of Howard,  
The House adjourned until two o'clock, P. M.

---

2 o'clock, P. M.

The House met.

And resumed the consideration of the amendment of Mr. Holladay of Parke to the resolution offered by Mr. Suit.

The question being on the adoption of the amendment,  
It was decided in the negative.

The question then recurred on the adoption of the resolution,

And being put,

The ayes and noes were demanded by Messrs. Suit and Spencer.

*Those who voted in the affirmative were,*

Messrs. Behm, Chowning, Crawford, Gibson, Hay of Clark, Helmer, Holman, Hostetter, Huey, Lawrence, Major, McDonald, McDowell, Nelson, Smith of Marion, Suit, Thompson, Watson, and Withers—19.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Buskirk, Carpenter, Cockrum, Cowgill, Davis, Dobson, Donham, Douthit, Eccles, Goudy, Gunn, Hanna, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hudson, Huffstetter, Hunt, King, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Mayfield, McAllister, McConnell, Miller, Mudgett, Ray, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Stuart, Sumner, Sweet, Taggart, Walker, Wells, Williams, Wilson, and Mr. Speaker—52.

So the resolution was not adopted.

By the unanimous consent of the House,

Mr. Beach offered the following resolution :

*Resolved*, That, in the opinion of this House, the present Probate system should be abolished.

Mr. Holman offered the following amendment to the resolution :

And that a system of local courts, for probate business, is not adapted to the present condition of this State.

Mr. Beach moved to lay the resolution on the table.

Mr. Foster moved to amend the motion by adding "and the amendment."

Mr. Beach called a division of the question.

The question first being on laying the resolution on the table,

And being put,

The ayes and noes were demanded by Messrs. Beach and Withers.

*Those who voted in the affirmative were,*

Messrs. Barker, Brady, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Davis, Donaldson, Foster, Gibson, Goudy, Hanna, Hart, Hicks, Hostetter, Huffstetter, Hunt, Litchfield, McDonald, Nelson,

Porter, Ray, Schoonover, Scudder, Smith of Spencer, Staton, Suit, Taggart, Thompson, Walker, Wilson, and Mr. Speaker—33.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Beeson, Bryant, Buskirk, Crawford, Dice, Dobson, Donham, Douthit, Eccles, Graham, Gunn, Hay of Clark, Hays of White, Helmer, Henry, Holladay of Parke, Holliday of Blackford, Holman, Hudson, Huey, Kent, King, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Major, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Owen, Reynolds, Shanklin, Smith of Marion, Stanfield, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Torbet, Watson, Wells, Williams and Withers—54.

So the resolution was not laid on the table.

By unanimous consent of the House,

Mr. Hay of Clark recorded his vote.

The question then being put on laying the amendment on the table,

The ayes and noes were demanded by Messrs. Beach and Gibson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Davis, Dice, Dobson, Donham, Douthit, Eccles, English, Goudy, Graham, Gunn, Hanna, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Hostetter, Hudson, Huey, Hunt, Kent, King, Lawrence, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, Miller, Mudget, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stover, Struble, Stuart, Sweet, Taggart, Thompson, Walker, Watson, Williams, Withers and Mr. Speaker—67.

*Those who voted in the negative were,*

Messrs. Brady, Crawford, Foster, Gibson, Hart, Hay of Clark, Holliday of Blackford, Holman, Huffstetter, Lavery, McDonald, McDowell, Morris, Nelson, Porter, Staton, Suit, Sumner, Torbet, Wells, and Wilson—21.

So the amendment was laid on the table.

Mr. Williams offered the following amendment to the resolution :

Strike out from the resolving clause and insert:

That in the opinion of this House, it is unnecessary to make any change in the present probate system, only to conform to the new constitution.

Mr. Beach moved to lay the amendment on the table.

And the question being put:

The ayes and noes were demanded by Messrs. Gibson and Stover.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Chowning, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Graham, Gunn, Hart, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hudson, Huey, Hunt, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Manson, McAllister, McConnell, Miller, Morris, Mudget, Nelson, Owen, Porter, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Torbet and Withers—58.

*Those who voted in the negative were,*

Messrs. Barker, Buskirk, Cockrum, Davis, Gibson, Hanna, Hay of Clark, Hostetter, Huffstetter, Litchfield, Major, Mayfield, McDonald, McDowell, Ray, Reynolds, Schoonover, Scudder, Smith of Spencer, Suit, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—28.

So the amendment was laid on the table.

The question then recurred on the adoption of the original resolution,

And being put,

The ayes and noes were demanded by Messrs. Beach and Behm.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Buskirk, Crawford, Dice, Dobson, Douthit, Eccles, Graham, Gunn, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hudson, Huey, Hunt, Kent, Lavery, Leviston, Lewis, Lindsey of Fayette, Manson, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Stover, Struble, Stuart, Sumner, Sweet, Torbet, and Withers—40.

*Those who voted in the negative were,*

Messrs. Barker, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cromwell, Davis, Donaldson, Donham, Foster, Gibson, Goudy, Hanna, Hart, Hay of Clark, Hays of White, Holman, Hostetter, Huffstetter, Lawrence, Litchfield, Major, Mayfield, McAllister, McDonald, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Suit, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—46.

So the resolution was not adopted.

Mr. Nelson moved to reconsider the vote by which the House refused to engross House bill No. 70.

Mr. Mudget moved to lay the motion of Mr. Nelson on the table ; Which motion did not prevail.

The question then recurred on reconsidering the vote, And being put,

The ayes and noes were demanded by Messrs. Mudget and Gibson.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Brady, Bryant, Buskirk, Chowning, Carpenter, Dice, Dobson, Donaldson, Donham, Eccles, English, Goudy, Graham, Hanna, Hays of White, Henry, Hicks, Hudson, Kent, King, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Reynolds, Scudder, Shanklin, Stevens, Struble, Stuart, Sumner, Sweet, and Torbet—48.

*Those who voted in the negative were,*

Messrs. Barker, Behm, Bulla, Cockrum, Crawford, Cromwell, Davis, Douthit, Foster, Gibson, Gunn, Hart, Hay of Clark, Helmer, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Huey, Huffstetter, Hunt, Laverty, Major, McDonald, Porter, Ray, Schoonover, Smith of Marion, Smith of Spencer, Spencer, Staton, Stover, Suit, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—42.

So the vote was reconsidered.

Mr. Gibson called the previous question ;

Which was not seconded by the House.

On motion,

The bill was then recommitted to the committee on Organization of Courts of Justice.

#### HOUSE BILLS ON SECOND READING.

No. 15. A joint resolution in relation to the General Post Office law ;

Was read a second time and ordered to be engrossed..

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that they have passed the following engrossed bill thereof:

No. 6. A bill to enforce the provisions of article thirteen of the Constitution of Indiana ;

In which the concurrence of the House is respectfully requested.

The bill contained in the foregoing message, was read a first time and ordered to a second reading.

No. 87. A bill to authorize the Auditor, Secretary and Treasurer of State to sell lots number 4, 5 and 6, in square No. 47, in the city of Indianapolis, known as the Governor's House, and all the household and personal property belonging to the same, owned by the State ;

Was read a second time and ordered to be engrossed.

#### HOUSE BILLS ON THIRD READING.

No. 14. A joint resolution in relation to constructing a canal around the falls of the Ohio River ;

Was read a third time.

Mr. McDowell moved to lay the joint resolution on the table.

And the question being put ;

The ayes and noes were demanded by Messrs. Gibson and McDowell.

*Those who voted in the affirmative were,*

Messrs. Crawford, Major, McDowell, and Stover—4.



*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hudson, Huey, Huffstetter, Hunt, Kent, King, Lavery, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Mayfield, McAllister, McConnell, McDowell, McDonald, Miller, Morris, Mudget, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—81.

So the joint resolution was not laid on the table.

The question then recurred on the passage of the joint resolution.  
And the question being put,

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Davis, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, English, Foster, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hudson, Huey, Huffstetter, Hunt, Kent, King, Lavery, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Struble, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Williams, Wilson, Withers and Mr. Speaker—82.

*Those who voted in the negative were,*

Messrs. Crim, McDowell, Stover, Stuart, Taggart and Wells—6.

So the joint resolution passed.

Ordered that the Clerk inform the Senate thereof.

No. 34. A bill authorizing recorders to make out general or complete indexes to records of deeds and mortgages, and to procure and use seals.

Was read a third time;  
And the question being put, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dobson, Donaldson, Donham, Douthit, Eccles, Gibson, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hart, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holman, Hostetter, Hudson, Huey, Hufferstetter, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—85.

*Those who voted in the negative were,*

Messrs. Davis, Foster, Holliday of Blackford, and McDonald—4.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

#### HOUSE BILLS ON SECOND READING.

No. 88. A bill for taking up of animals going astray, and water crafts and other articles of value adrift.

Was read a second time.

On motion by Mr. Holman,

The 26th section of the bill was struck out.

The bill was then ordered to be engrossed.

No. 89. A bill in relation to the officers and soldiers of Indiana who served in the war with Mexico.

Was read a second time.

On motion by Mr. Smith of Marion,

The bill was referred to a select committee of three.

Messrs. Smith of Marion, Schoonover, and Manson were appointed said committee.

No. 90. A bill to repeal an act amendatory to an act incorporating the city of Evansville.

Was read a second time.

On motion by Mr. Stover,

The second section of the bill was amended by changing its phraseology so as to read, "that an emergency exists."

The bill was then ordered to be engrossed.

No. 91. A bill for the repeal of an act entitled an act, approved February 13, 1851, organizing a school district in Marshall county.

Was read a second time.

On motion by Mr. McDonald,

The bill was amended by striking out that portion of the bill declaring it an emergency.

On motion by Mr. Gibson,

The bill was referred to the Judiciary committee, with instructions to inquire into its constitutionality.

No. 61. A bill to prevent the destruction of stock by running locomotives and cars on railroads.

Was read a third time.

The question being, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Hunt, Kent, King, Lavery, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson Mayfield, McAllister, McConnell, McDowell, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—83.

No person voted in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

By the unanimous consent of the House,  
Messrs. McConnell and Douthit recorded their votes.

On motion by Mr. Hart,  
The House adjourned.

FRIDAY MORNING, 9 o'clock, }  
January 23, 1852. }

The House met.

The clerk proceeded to read the journal.

Mr. Hanna moved to dispense with the further reading of the journal ;

Which motion did not prevail.

The clerk then proceeded to a further reading of the journal ;

When,

On motion by Mr. Holman,

The reading of the ayes and noes on the journal was dispensed with.

A message from the Governor, by Mr. King, executive messenger :

MR. SPEAKER :

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bill, to-wit :

No. 78. An act to provide for a uniform enumeration of the subdivisions of sections and quarter sections in the township of land in Monroe county, reserved for a State Seminary, and for making out and recording the plats of such subdivisions, and the compensation therefor.

Which bill originated in the House.

## PETITIONS AND MEMORIALS PRESENTED.

By Mr. Owen ;

Two memorials on the subject of temperance, from sundry ladies and gentlemen of this State.

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Brady ;

Two memorials on the subject of temperance, from James and Margaret Moore and others.

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Goudy ;

The communication of F. B. Thomas and others, on the subject of temperance.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Porter ;

Two memorials on the subject of temperance, from sundry ladies and gentlemen of this State.

Which,

On motion,

Were referred to the committee on Temperance.

## REPORTS FROM COMMITTEES.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the House of the corresponding number, and find the same correctly enrolled.

No. 15. An act to fix the time at which county treasurers shall make their annual settlements with the county auditors, and with the Auditor of State, and to authorize them to make deposits under the direction of the Treasurer of State, so far as the revenue of 1851 is concerned.

Whereupon the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report :

MR. SPEAKER :

The committee on Ways and Means, to Whom was referred so much of the Governor's message as relates to the extinguishment of the domestic debt; also a resolution of the House on the same subject; have had that subject under consideration and instructed me to report the following bill, and respectfully recommend its passage.

No. 103. A bill to provide for the speedy redemption of the outstanding treasury notes of the State of Indiana.

Which was read a first time and passed to a second reading.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report :

MR. SPEAKER :

The committee on Ways and Means, to whom was referred a resolution of the House, instructing them to inquire into the necessity of a law regulating the mileage to which such officers may be entitled as are required to attend at the State capital, and to report by bill or otherwise; also so much of the Governor's message as relates to the extinguishment of the domestic debt, have had that subject under consideration, and have instructed me to report the accompanying bill and respectfully recommend its passage.

No. 104. A bill to regulate the mileage of sheriffs in conveying convicts to the State prison, and of county treasurers in making deposits and in their settlements with the Treasurer and Auditor of State.

Which was read a first time and passed to a second reading.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report :

MR. SPEAKER :

The committee on Ways and Means, to whom were referred resolutions of the House instructing them to inquire into the expediency of providing by law for the sale of the stock owned by the State in the Madison and Indianapolis railroad, and to report by bill or otherwise, have had that subject under consideration, and have instructed me to report the following bill and recommend its passage, and to ask that your committee be discharged from the further consideration of the subject.

No 105. A bill to provide for the sale of the stock owned by the State of Indiana in the Madison and Indianapolis railroad.

Which was read a first time and passed to a second reading.

Mr. McDonald, chairman of the committee on Manufactures and Commerce, made the following report :

MR. SPEAKER :

The committee on Manufactures and Commerce, to which was referred a resolution of the House requesting said committee to inquire into the expediency of providing by law for a geological survey of the State, have had the same under consideration, and directed me to report the following bill, and recommend its passage; and ask to be discharged from the further consideration thereof.

No. 106. A bill to provide for a geological survey of the State of Indiana;

Which was read a first time, and passed to a second reading.

Mr. Stanfield, from the committee on Corporations, made the following report :

MR. SPEAKER :

The committee on Corporations, to which was referred the accompanying resolution, has had the same under consideration, and directed me to report the same back, and recommend its reference to the committee of Ways and Means.

*Resolved*, That the committee on Corporations be instructed to inquire into the expediency of providing by law that the assessment of taxes in any incorporated city or town in this State, shall be taxed upon the valuation fixed upon the real property in such town or city, as appraised by the county or township assessor, and report by bill or otherwise.

Which report was concurred in, and the resolution referred to the committee of Ways and Means.

Mr. Stanfield, from the committee on Corporations, made the following report :

MR. SPEAKER :

The committee on Corporations, to which was referred the petition and remonstrance of sundry citizens of the village of Huntsville, in Randolph county, on the subject of the incorporation of said village, has had the same under consideration, and directed me to report :

That the committee is of opinion that it would be unconstitutional to grant the prayer of said petition, and therefore recommend that it be laid upon the table.

Which report was concurred in.

Mr. Stanfield, from the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee on Corporations, to which was referred the petition of Lewis Beck, and others, praying sundry things to be done for the navigation of Patoka river, has had the same under consideration, and directed me to report: That it is inexpedient to legislate upon the subject, and therefore recommend that the petition be laid upon the table.

Which report was concurred in.

Mr. Brady, in pursuance of previous notice, obtained leave and introduced

No. 107. A bill in relation to the printing of public documents.

Which was a first time, and passed to a second reading.

Mr. Nelson, in pursuance of previous notice, obtained leave and introduced

No. 108. A bill regarding the administration of estates of the value of five hundred dollars.

Which was read a first time, and passed to a second reading.

Mr. Dice, by unanimous consent of the House, obtained leave and introduced

No. 109. A bill for the appointment of commissioners to relocate the seat of justice of Fountain county, providing for the compensation of such commissioners, and for laying an additional tax to defray the expenses incident thereto;

Which was read a first time, and passed to a second reading.

Mr. Spencer, under the rule, gave notice of a motion for leave to introduce a bill to provide for a system of probate circuit courts.



By the unanimous consent of the House,  
Mr. Torbet introduced

No. 110. A bill to change the time of holding the probate court in Dearborn county;

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *House Bills on Second Reading.*

No. 92. A bill relative to arbitrations and umpirages;  
Was read a second time and ordered to be engrossed.

No. 93. A bill to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant;

Was read a second time.

Mr. Nelson moved to recommit the bill to the committee on Swamp Lands, with the following instructions:

To embrace a provision to reduce and graduate the price by appraisement of so much of said lands as shall remain unsold after the same shall have been offered for sale or subject to entry for the term of one year at one dollar and twenty-five cents per acre: *Provided*, that none of said lands shall be reduced below fifty cents per acre.

Also, to provide that no sale of said lands shall be made until the mode and extent of the ditches or levees shall be agreed upon, together with a full description of said ditches or levees, and the estimated cost of the same, shall have been filed in the office of the county auditor.

And further provide, that after said lands shall have been offered for sale and not sold for a sufficient sum to let the contracts, it shall be lawful to let the same to any person who may be willing to receive in payment the lands at the price for which the same may be purchased for cash: *Provided*, said contract shall not be let at a higher price than the estimated cost filed in the auditor's office.

Mr. McDonald moved to lay the bill and instructions on the table and print.

Mr. Cockrum moved to amend the motion by adding, "also, the act of Congress granting to the State said swamp lands."

Which was accepted.

The bill and instructions were then laid on the table and ordered to be printed.

Mr. Stuart, by unanimous consent of the House, offered the following resolution:

*Resolved*, That the Trustees of the Wabash and Erie Canal be respectfully requested to furnish to this House full and detailed information on the following points, viz :

1. How many bridges they have built or repaired across said canal since that work came into their possession ; specifying the locality and cost of each bridge.

2. What bridges, if any, on state or county roads crossing said canal, or on streets of any of the towns through which the canal passes, are out of repair or need to be rebuilt, and the reason, if any, why the same have not been repaired or rebuilt.

3. Whether the bridge on the Chicago road near Logansport is yet built, and if not, the reason for such negligence.

4. To specify the comparative cost of bridges in the towns of Lafayette, Logansport, Wabash and Fort Wayne ; and the reasons, if any, why larger sums of money were appropriated to build the same number of bridges in some of these towns than in others.

And that a copy of these resolutions be furnished immediately to the resident Trustee.

On motion by Mr. Holladay of Parke,

The resolution was amended by adding "Lafayette" after "Terre Haute."

The resolution as amended was then adopted.

By unanimous consent of the House,

Mr. Beeson offered the following resolution :

*Resolved*, That the committee on Ways and Means be requested to report a bill to this House for an equal and just assessment of all the property of this State, real and personal, and provide that no property shall be assessed more than once in each and every year, and also, that all persons shall have the right to deduct their indebtedness from their property.

On motion by Mr. McDonald,

The resolution was amended by striking out "all persons," and insert "no person."

The resolution as amended was then adopted.

By unanimous consent of the House,

Mr. Graham offered the following resolution :

*Resolved*, That the committee on the Organization of Courts of Justice be requested to inquire into the expediency of exempting

property, either personal or real, or both, to the amount of five hundred dollars, to the widow and children of decedents for their own proper use, subject only to claims of creditors to the amount of two hundred dollars; if no debts, then to retain as aforesaid the \$500, without being subject of probate, and the widows to give bond and security to pay the amount of \$200 out of the amount of \$500 exempted, provided such amount of debts be due from said estate.

Which was not adopted.

#### HOUSE BILLS ON THIRD READING.

No. 79. A bill authorizing the construction of plank, gravel and McAdamized roads;

Was read a third time.

Mr. Wells moved to commit the bill to a select committee of five, with the following instructions:

SEC. —. It shall be lawful for the board of directors, of any plank, McAdamized or gravel road, by and with the written consent of the stockholders, to such plank, McAdamized or gravel road, to change such road into a railroad: *Provided*, that in making such change, the railroad shall be located on the same route, as near as practicable, including the points designated in the plat or profile, of the plank, McAdamized or gravel road intended to be changed.

SEC. —. It shall be lawful for the president and directors of such plank, McAdamized or gravel road, to do and perform all acts necessary to carry into effect the foregoing provisions: *Provided*, such act or acts shall not be inconsistent with the laws of this State.

SEC. —. The company thus changed, shall retain all their rights, privileges, franchises and immunities, but the change shall not relieve the stockholders or officers from any liabilities incurred or contracts made, but all liabilities may be enforced in the same manner as if no change had taken place.

SEC. —. When any plank, gravel or McAdamized road company shall have made the change in the manner aforesaid, it shall be the duty of the board of directors of such company, to give public notice of such change in some newspaper published in the county or counties where such road may be located, and shall cause such notice and change to be filed in the recorder's office of the county or counties where the same may be located, and every road thus changed and recorded as aforesaid, shall be deemed a railroad; and the company shall be entitled to all the rights, privileges, immunities and franchises, and be subject to all the liabilities and

restrictions that are, or may be provided by law for the government of railroad companies: *Provided*, that if any such plank, McAdamized or gravel road shall have been, either in whole or in part, located on any county or State road, which may have been granted by the proper county board, for the purpose of constructing thereon any such plank, gravel or McAdamized road, such change shall not be made until the consent of the proper county board shall have been obtained.

The question being on committing the bill with the instructions of Mr. Wells,

And being put,

The ayes and noes were demanded by Messrs. Wells and Behm.

*Those who voted in the affirmative were,*

Messrs. Barker, Beeson, Brady, Bulla, Buskirk, Cockrum, Crawford, Cromwell, Dice, Dobson, Donham, Eccles, Foster, Goudy, Graham, Hanna, Helmer, Holladay of Parke, Holliday of Blackford, Holman, Huey, Huffstetter, Lawrence, Miller, Nelson, Porter, Ray, Schoonover, Scudder, Shanklin, Spencer, Struble, Stuart, Taggart, Thompson, Walker, Watson, and Wells—38.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Behm, Bryant, Carpenter, Chowning, Cowgill, Davis, Doughty, Douthit, Geddes, Gibson, Gunn, Hart, Hay of Clark, Hays of White, Henry, Hudson, Hunt, King, Lavery, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McDonald, McConnell, McDowell, Morris, Reynolds, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Suit, Sumner, Sweet, Williams, Wilson, Withers and Mr. Speaker—45.

So the bill was not so committed.

Mr. Owen moved to recommit the bill to the committee on Corporations, with the following instructions:

To provide a graded rate of pontage on all bridges of more than 50 feet span, that may occur on any plank road.

Mr. Manson moved to amend the instructions as follows:

To incorporate a provision to prevent all plank roads from erecting any toll gate within one mile of the corporate limits of any incorporate town, and that where any toll gates have been so erect-

ed, the company erecting the same shall be compelled to remove the same.

On motion by Mr. King,

The bill and instructions were laid on the table, and 150 copies ordered to be printed.

No. 83. A bill to divide the State into congressional districts ;  
Was read a third time.

Mr. Stuart moved to recommit the bill to the select committee on districting the State into congressional districts, with the following instructions:

Strike out the county of Benton, in the ninth district, and add in lieu thereof the county of Carroll.

The question being on recommitting the bill with the instructions,  
And being put,  
The ayes and noes were demanded by Messrs. Stuart and Mudget.

*Those who voted in the affirmative were,*

Messrs. Bryant, Buskirk, Crawford, Dobson, Donaldson, Donham, Hays of White, Holladay of Parke, Holman, Laverty, McDowell, Nelson, Porter, Spencer, Staton, Struble, Stuart, Suit, Taggart, Torbet, Walker, and Williams—22.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Davis, Dice, Dougherty, Douthit, Eccles, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Holliday of Blackfork, Hostetter, Hudson, Huey, Hunt, King, Lawrence, Lewis, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Mudget, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Sumner, Sweet, Thompson, Watson, Wilson, Withers and Mr. Speaker—62.

So the bill was not recommitted with the instructions.

By unanimous consent of the House, Messrs. Crawford and Goudy recorded their votes.

Mr. Donaldson moved to recommit the bill, with instructions to attach Carroll county to the 9th district.

Mr. McDonald called the previous question;  
 Which was seconded by the House.  
 The question being, Shall the main question be now put?  
 It was decided in the affirmative.  
 The question being put, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bulla, Carpenter, Cockrum, Cromwell, Davis, Dice, Doughty, Douthit, Eccles, Foster, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Holliday of Blackford, Hostetter, Hudson, Hunt, Laverty, Lawrence, Lindsay of Howard, Litchfield, Major, Manson, McAllister, McConnell, McDonald, Miller, Mudgett, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Walker, Watson, and Withers—55.

*Those who voted in the negative were,*

Messrs. Behm, Bryant, Buskirk, Chowning, Cowgill, Crawford, Dobson, Donaldson, Donham, English, Geddes, Gibson, Hays of White, Holladay of Parke, Holman, Huey, Huffstetter, King, Lewis, Mayfield, McDowell, Morris, Nelson, Owen, Porter, Ray, Spencer, Staton, Struble, Taggart, Torbet, Wells, Wilson, Williams, and Mr. Speaker—35.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Beeson moved the House adjourn;  
 Which motion did not prevail.

On motion by Mr. Holladay of Parke,  
 Leave of absence was granted Mr. Hicks.

#### HOUSE BILLS ON SECOND READING.

No. 94. A bill to constitute a council to be composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons, and to regulate the granting of such pardons, and the remission of fines and forfeitures.

Was read a second time, and ordered to be engrossed.

No. 95. A bill to provide for the enlargement of the Indiana Hospital for the Insane;

Was read a second time.

On motion by Mr. Beach,  
The bill was laid on the table.

No. 96. A bill regulating the fee for recording and copying deeds and mortgages ;  
Was read a second time.

On motion by Mr. Holman,  
The bill was referred to the committee on Fees and Salaries.

No. 97. A bill regulating seals or scrolls ;  
Was read a second time.

On motion by Mr. Behm,  
The bill was referred to the committee on the Judiciary.

No. 16. A joint resolution, asking a more liberal construction of the act of Congress of May 9, 1848 ;  
Was read a second time, and ordered to be engrossed.

Mr. Graham moved the House adjourn.

Mr. Holman suggested 9 o'clock on to-morrow morning ;  
And the question being put to adjourn until to-morrow morning at 9 o'clock ;  
It was decided in the affirmative.

SATURDAY MORNING, 9 o'clock, }  
January 24, 1852. }

The House met.

The Journal of the preceding day was read.

PETITIONS AND MEMORIALS PRESENTED.

By Mr. Huey :

The memorial of sundry ladies and gentlemen of Penn township, in Jay county, on the subject of temperance ;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Foster :

The memorial of sundry citizens of Forville and its vicinity on the subject of temperance ;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Hay of Clark :

Three memorials from sundry ladies and gentlemen of Clark county, Indiana, on the subject of temperance ;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Laverty :

Two memorials from sundry ladies and gentlemen of Morgan county, on the subject of temperance ;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Behm :

A memorial from sundry merchants, boat owners, and forwarders, of Lafayette, in relation to the law regulating canal boats ;

Which,

On motion,

Was referred to a select committee of five.

Messrs. Behm, Hudson, Nelson, Donaldson and Hanna, were appointed said committee.



## RESOLUTIONS OF THE HOUSE.

Mr. Withers offered the following resolution :

*Resolved*, That the committee on Public Expenditures report a bill appropriating 6,000 dollars annually for the colonization of negroes and mulattoes.

Mr. Behm moved to amend the resolution by striking out 6,000 and insert 10,000.

Which motion did not prevail.

The question then being put on the adoption of the resolution,

It was decided in the negative.

By the unanimous consent of the House,

Mr. Stover recorded his vote on the passage of House bill No. 83, taken on yesterday.

On motion by Mr. Lindsay of Howard,

*Resolved*, That the committee on Fees and Salaries be, and they are hereby required in all cases of change of venue, in State cases, to make provision for the payment of witnesses' fees on behalf of the State, who may be compelled to leave the county where they reside to testify in such cause; said fees to be paid out of the county treasury, from which such change may be taken, or otherwise, as said committee shall deem proper, and that they report to this House by bill.

On motion by Mr. Smith of Spencer,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of so amending the revenue laws that all canal lands shall be taxed after the first day of January, 1852.

Mr. Brady offered the following resolution :

*Resolved*, That Mr. A. Wright be respectfully requested to furnish this House with a copy of his address on the subject of common schools, for publication.

Mr. Behm moved to amend the resolution by adding "Mr. Shambaugh's address on the same subject."

Which motion did not prevail.

The question then being put on the adoption of the resolution, It was decided in the negative.

On motion by Mr. Porter,

*Resolved*, That the committee on Education be instructed to inquire into the necessity of a provision prescribing the manner of loaning the money found upon deceased persons by coroners, and the terms upon which the same shall be loaned; also, what changes are necessary in the 12th section, of chapter 56, of R. S. of 1843, to secure the object contemplated in said section.

On motion by Mr. Hay of Clark,

*Resolved*, That the Doorkeeper be authorized to furnish the Governor with a copy of each bill ordered to be printed by this House.

On motion by Mr. Buskirk,

*Resolved*, That the Auditor of State be requested to ascertain and report to this House, at an early day, what the assessment of personal property and the county boards of equalization have cost per annum, for the last five years; also, what the same services have cost for the same period, in those counties where there are township assessors; and that the said auditor be requested to make any suggestions that he may deem proper upon the different plans of assessing personal property.

On motion by Mr. McDowell,

*Resolved*, That the committee on Ways and Means be instructed to report a provision in the assessment law, exempting all school lands, until the final payment of the purchase money for the same.

#### ORDERS OF THE DAY.

##### *Senate bills on second reading.*

No. 26. A joint resolution for the purpose of obtaining from the General Government a grant of the unsold land belonging thereto, in the Vincennes district, for the benefit of common schools;

Was read a second time, and ordered to a third reading.

House bill No. 26. A bill to exempt property from sale in certain cases;

Was taken up, and ordered to be engrossed.

On motion by Mr. Stuart,

The following message from the Senate was taken up :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that they have passed engrossed bills of the House, to-wit:

No. 67. An act to change the time of holding courts in the 8th judicial circuit.

Also, House bill No. 17. An act to provide for the appointment of a reporter, and the speedy publication of the decisions of the supreme court.

With the following engrossed amendments of the Senate thereto, in which the concurrence of the House is respectfully requested.

The engrossed amendments of the Senate to House bill No. 67, contained in the foregoing message, were concurred in.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Holman,

The engrossed amendments of the Senate to House bill No. 17, contained in the foregoing message, were laid on the table.

A message from the Senate, by Mr. Dunn, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 42. An act authorizing railroad companies to borrow money, and to secure the repayment thereof by mortgages.

With the following engrossed amendments of the Senate thereto, in which the concurrence of the House is respectfully requested.

On motion by Mr. Gibson,

Bill No. 42, and amendments contained in the foregoing message, were referred to the committee on the Judiciary.

No. 71. A bill to provide for the election of State and county officers, and repealing all former acts inconsistent with the same.

The question being put on the adoption of the amendment offered by Mr. Donaldson on the 9th instant,

It was decided in the affirmative.

Mr. Gibson moved to amend the bill by adding in the 3d line of

19th section, after the word place or places, striking out all after the word township, in the same line of the same section.

Mr. Nelson moved to lay the bill and amendments on the table.

Which motion did not prevail.

Mr. Doughty moved to amend the amendment by adding "that not more than two precincts be established in each township."

Which motion did not prevail.

The question then recurring on the adoption of Mr. Gibson's amendment,

And being put,

It was decided in the affirmative.

Mr. Gibson moved further to amend the bill by adding the following section :

SEC. —. The board doing county business may form precincts of two or more townships, and fix a place at which the voters in such precinct may vote.

Which motion prevailed.

The bill was then ordered to be engrossed.

#### SENATE BILLS ON THIRD READING.

No. 33. A bill to prohibit the making distress for rent by warrant ;

Was read a third time, and,

On motion by Mr. Holman,

The bill was laid on the table.

House bill No. 54. A bill concerning deeds and mortgages, their acknowledgment and the fee for recording the same ;

Was read a third time.

By unanimous consent of the House,

On motion by Mr. Owen,

The bill was amended as follows :

In the first, second and fourth sections, after the word "worded" insert the words "in substance."

Mr. Smith of Marion moved to recommit the bill to the select committee with the following instructions :

Strike out from the enacting clause and insert the following :

That in conveying or mortgaging a tract of land, a town lot, or any real estate, it shall only be necessary for the grantor to set forth in plain language, that he makes such conveyance or mortgage, the party to whom he conveys or mortgages, the amount of consideration, an accurate description of the land, and whether he warrants or quitclaims the same ; but a conveyance shall only be considered as a life estate unless the grantor uses the term "heirs and assigns," or words implying that he conveys an absolute inheritance in fee simple to the grantee.

SEC. 2. No deed or mortgage shall be lost for want of form, when the language used affords a reasonable conclusion of the intention to convey or mortgage, and the kind of conveyance or mortgage intended by the grantor or mortgagor.

SEC. 3. In acknowledging a deed or mortgage, it shall only be necessary for an officer acknowledging the same to set forth in plain language the name of the party acknowledging the same, and that said party acknowledged such deed or mortgage ; and if the wife sign and relinquish her dower, the officer shall so state, but it shall not be necessary for the wife to be examined separate and apart from her husband.

Which motion did not prevail.

The question then being put, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Bryant, Bulla, Chowning, Cockrum, Crawford, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Goudy, Graham, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hostetter, Hudson, Huey, Huffstetter, Hunt, Kent, Lavery, Lawrence, Lindsay of Howard, Litchfield, Major, McAllister, McDonald, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Scudder, Smith of Spencer, Staton, Stevens, Stover, Suit, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Behm, Brady, Buskirk, Cowgill, Davis, Gibson, Gunn, Holaday of Parke, Holman, Mayfield, Shanklin, Smith of Marion, Spencer, Stuart, and Sumner—15.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Beach recorded his vote.

No. 17. A joint resolution in relation to the improvement of the navigation of the Patoka and the east fork of White river ;  
Was read a second time.

Mr. Hart moved to amend the bill by adding after " White river"  
" Laughery creek ;"

Which was adopted.

On motion by Mr. Scudder,  
The west fork of White river was added.

On motion by Mr. McDowell,  
The Salamonias river was added.

On motion by Mr. Stover,  
Hawk creek was added.

On motion by Mr. Taggart,  
Salt creek was added.

On motion by Mr. Davis,  
Blue creek was added.

On motion by Mr. Withers,  
The Miami river was added.

Mr. Smith of Spencer moved to strike out " creek " wherever it occurs in the joint resolution.

Pending which,

On motion by Mr. Gibson,  
The joint resolution was laid on the table.

No. 99. A bill relating to prosecuting attorneys in the fourth and eighth judicial circuits.

Was read a second time.

On motion by Mr. Holman,  
The bill was laid on the table.

No. 100. A bill to repeal a part of section two of an act relative to the office of auditor in Warrick county, approved January 19, 1850.

Was read a second time.

On motion by Mr. Torbet,  
The bill was referred to the Judiciary committee, with instructions to inquire into its constitutionality.

No. 101. A bill to divide the State into congressional districts.

Was read a second time.

On motion by Mr. Dobson,  
The bill was laid on the table.

No. 27. A bill for the more uniform mode of doing township business.

Was read a third time.

The question being put, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Behm, Brady, Cowgill, Crawford, Cromwell, Davis, Dice, Donaldson, Donham, Eccles, Gibson, Graham Hanna, Hart, Henry, Holladay of Parke, Holman, Hudson, Kent, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Withers, and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Barker, Beeson, Bryant, Bulla, Buskirk, Chowning, Cockrum, Dobson, Doughty, Douthit, Foster, Gunn, Hay of Clark, Hays of White, Helmer, Holliday of Blackford, Hostetter, Huey, Huffstetter, Hunt, McAllister, Ray, Schoonover, Shanklin, Staton, Taggart, Walker, Watson, Wells, Williams, and Wilson—31.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

By unanimous consent of the House, Mr. Gunn recorded his vote on the passage of bill No. 27.

By unanimous consent of the House, Mr. Lewis obtained leave and introduced,

No. 111. A bill defining the jurisdiction and regulating the practice of probate courts.

Which was read a first time and passed to a second reading.

On motion by Mr. Stevens,

The vote on the adoption of the resolution relative to the abolition of capital punishment,

Was reconsidered.

The question then being on the adoption of the resolution,

Mr. Lindsay of Howard moved to amend the resolution by making it one of inquiry.

Pending which,

On motion by Mr. Hudson,

The further consideration of the resolution was postponed until Tuesday, the 27th, and made the special order of that day at two o'clock, P. M.

No. 102. A bill regulating the licensing of pilots at the Falls of Ohio, requiring bond and security of such pilots; prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots, and the revocation of their licenses;

Was read a second time.

On motion by Mr. Gibson,

The bill was amended by adding after the word bond, "payable to the State of Indiana."

On motion by Mr. Kent,

The bill was laid on the table.

#### SENATE BILLS ON SECOND READING.

No. 6. A bill to enforce the provisions of article 13 of the Constitution of Indiana.

Was read a second time.

Mr. Torbet moved to commit the bill to the committee on the Rights and Privileges of the Inhabitants of the State, with the following instructions:

To strike out in the second section to the word "shall," in the 6th line, and insert the following:

"Any person who shall employ any negro or mulatto, knowing that he came into the State after the adoption of the Constitution, and contrary to the provisions of the 13th article of the same; or who shall otherwise encourage him to remain in the State."

Also, to add a section or sections providing for an annual appropriation from the State treasury for the colonization of such negroes and mulattos in this State as may be willing to emigrate.

Mr. Hudson offered the following amendment to the instructions:

Strike out section second and insert the following:

Any person who shall employ any negro or mulatto who was not a resident of the State of Indiana on the first day of November, 1851, or otherwise encourage him to remain in the State, shall, upon presentment or indictment by the proper court be fined in any sum not less than ten dollars, nor exceeding five hundred dollars.

Mr. Gibson moved to lay the bill and instructions on the table; Which motion did not prevail.



The question then being on the adoption of Mr. Hudson's amendment to the instructions,

And being put,

It was decided in the affirmative.

Mr. English offered the following additional instructions :

Insert in the bill a provision appropriating a reasonable amount out of the State Treasury, for the purpose of sending to Liberia such negroes and mulattoes in this State, as may desire to emigrate to that country, and have not the means to defray the expense of going.

Which were adopted.

The question then recurred on committing the bill, with the instructions, to the committee on the Rights and Privileges of the Inhabitants of this State,

And being put,

It was decided in the affirmative.

#### HOUSE BILLS ON THIRD READING.

No. 87. A bill to authorize the Auditor, Secretary and Treasurer of State to sell lots No. 4, 5 and 6 in square No. 47, in the city of Indianapolis, known as the Governor's House, and all the household and personal property belonging to the same owned by the State ;

Was read a third time.

The question being put, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Chowning, Crawford, Cromwell, Dice, Dobson, Donham, Douthit, Foster, Gibson, Goudy, Hanna, Hay of Clark, Hays of White, Henry, Holman, Hostetter, Hudson, Huey, Hunt, Kent, Laverty, Lawrence, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, Morris, Nelson, Owen, Porter, Smith of Spencer, Spencer, Stover, Stuart, Suit, Sweet, Taggart, Wells, Williams, and Wilson—44.

*Those who voted in the negative were,*

Messrs. Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Cowgill, Davis, Donaldson, Doughty, Eccles, English, Graham, Gunn, Hart, Helmer, Holladay of Parke, Huffstetter, Lewis, McConnell, McDonald, McDowell, Miller, Mudget, Ray, Reynolds, Schoonover,

Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Sumner, Thompson, Walker, Watson, Withers, and Mr. Speaker—39.

So the bill did not pass, the constitutional majority not voting therefor.

By the unanimous consent of the House,  
Messrs. Hart, Behm, Donaldson and Reynolds, recorded their votes.

The Speaker laid before the House the following communication from the Treasurer of State:

OFFICE OF TREASURER OF STATE, }  
INDIANAPOLIS, January 24, 1852. }

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives:*

In reply to your resolution of the 6th inst., making inquiry as to the services performed by the Treasurer of State, connected with the duties of his office, for which he receives compensation, other than his annual salary; and the amount of the various perquisites he may receive; with reference to the laws authorizing such compensation; also, as to the amount of quarter per cent. treasury notes now in his office, in blank or partially or entirely filled up, and which have never been issued, I have the honor to make the following report:

I received last year on account of services in registering treasury and canal script to the amount of \$242,210 16, \$290 64.

I received on account of services rendered in the management of the trust funds of the State the last year, \$536 22.

The amount received by me on account of services in registering script, is regulated by the practice of my predecessors in office from the time of the commencement of the redemption of the script. This expenditure by implication, has always been regarded as a legal charge upon the treasury, and sanctioned by the Legislature.

The amount which I have received on account of management of the trust funds, is in accordance with an act authorizing such expenditure, entitled "An act in relation to sales of land forfeited to the State by borrowers of college and other funds," (sec. 3) approved Feb. 13, 1851.

The amount of blank or partially filled up quarter per cent. script which has just been turned out to the committee of Ways and Means is \$130,240 00.

I have the honor to be,  
Very respectfully,  
Your ob't serv't,

J. P. DRAKE, *Treasurer.*

Which,

On motion by Mr. Buskirk,

Was referred to the Judiciary committee, with the following instructions:

To inquire into the legality of the payment for the extra services.

Mr. Wilson, from the committee on Engrossed Bills, made the following report:

**MR. SPEAKER:**

The committee on Engrossed Bills have examined House bills Nos. 87, 88, 90, 92 and 94; also joint resolutions of the House. Nos. 15 and 16, and find them correctly engrossed.

On motion by Mr. Gibson,

The House adjourned until Monday morning, 9 o'clock.

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MONDAY MORNING, 9 o'clock, }  
January 26, 1852. }

The House met.

The journal of the preceding day was read.

The Speaker laid before the House the following communication from the Trustees of the Wabash and Erie canal:

INDIANAPOLIS, JANUARY 26, 1852.

HON. JOHN W. DAVIS:

*Speaker of the House of Representatives:*

DEAR SIR:—I have the honor to acknowledge the receipt of a resolution adopted by the House over which you preside, on the 23d instant.

The resolution calls for information as to the action of the Board

of Trustees of the Wabash and Erie Canal, in regard to the erection and repair of bridges, generally, over said canal, specially referring to a bridge near Logansport; and asks for the "comparative cost of such bridges in the towns of Lafayette, Terre Haute, Logansport, Wabash and Fort Wayne,"—referring back to the commencement of the Trust in the year 1847.

The subject matter embraced in the resolution, covers numerous cases of expenditures, during a period of nearly five years, and the "comparative cost" of these structures, at the points enumerated, can only be furnished after an examination of the books of the office at Terre Haute, and from other sources of information not now within my reach. To answer the resolution properly, some delay must occur; to do it understandingly, will require examination.

It will afford the Trustees great pleasure to reply to this call of the House, and to furnish all the facts which may be deemed essential to a complete and perfect understanding of the matters embraced in the resolution. For this purpose, I have already commenced a correspondence with the proper officers of the Trust, and hope that no unreasonable delay will occur in obtaining the data upon which to prepare a formal reply to the resolution of the House of Representatives. Until this can be done, I deem it respectful thus to acknowledge the receipt of the resolution.

Very truly, your obedient servant,

THOS. DOWLING,

*Resident Trustee.*

Which,

On motion,

Was laid on the table.

#### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Lindsay of Howard:

Two memorials on the subject of Temperance, from sundry ladies and gentlemen of Howard county.

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Cromwell:

The petition of 1000 citizens of Clay county, relative to the relocation to the county seat of said county.

Which,

On motion,

Was referred to a select committee of five.

Messrs. Cromwell, Donham, Chowning, Holladay of Parke, and Dobson, were appointed said committee.

By Mr. Huey :

The memorial of sundry ladies and gentlemen of this State, on the subject of temperance.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Hay of Clark :

Two memorials on the subject of temperance, from sundry ladies and gentlemen of Clark county.

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Stuart :

The proceedings of a meeting of the citizens of Logansport, in reference to the passage of a free bank law.

Which,

On motion,

Was referred to the select committee on Free Banks.

Mr. Smith of Marion, chairman of the committee on Enrolled bills, made the following report :

**MR. SPEAKER :**

The committee on enrolled bills have compared the following enrolled, with the engrossed bill of the House of the corresponding number, and find the same correctly enrolled.

No. 67.' An act to change the time of holding circuit courts in the eighth judicial circuit.

Whereupon, the Speaker signed the same.

Ordered, that the clerk inform the Senate thereof.

#### REPORTS FROM COMMITTEES.

Mr. Stanfield, from the committee on the Judiciary, made the following report :

**MR. SPEAKER :**

The committee on the Judiciary, who were instructed by a resolution of the House to inquire into the expediency of so changing the laws in relation to suits commenced by summons, that the plaintiffs shall have the same rights to garnishee third persons after execution returned "no property found," as is now authorized by plaintiffs under writs of attachment, have had the subject under consideration, and directed me to report: That they deem such a change in the law

to be an expedient one, and will, at the proper time, report a bill containing such a provision.

Which report was concurred in.

Mr. Beach, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, who were instructed by a resolution of the House, to inquire into the expediency of repealing or modifying the 3d article of chapter 31 of the revised code, regulating the interest on money, with leave to report by bill or otherwise, have had the subject matter of said resolution under consideration, and a majority of said committee are of the opinion that any change of the present law on the subject, would be inexpedient. Even were the opinion of the committee otherwise, the House have, in various ways since the adoption of said resolution, sufficiently expressed an opinion against any change,—thus rendering any action of the committee unnecessary. They therefore ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Behm, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, who were instructed to "report a bill providing for a uniform mode of electing county commissioners by general ticket in each county," have directed me to report that, in their opinion, the subject more properly belongs to the committee on the Organization of Courts, and request that the resolution of instruction be referred to said committee.

Which report was concurred in, and the bill referred to the committee on the Organization of Courts of Justice.

Mr. Behm, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, who were instructed by a resolution of the House, "to inquire into the expediency of reporting a bill to the House reducing the number of jurors in civil cases to seven, and that a majority of said seven shall in all cases rule,"

nave had the subject under consideration, and directed me to report that such a bill, in their opinion, would be inexpedient as well as of doubtful constitutionality. Said committee ask to be discharged from the further consideration of the subject, and move that it be indefinitely postponed.

Which report was concurred in.

Mr. Stuart, from the committee on the Judiciary, made the following Report :

**MR. SPEAKER :**

The committee on the Judiciary, who were requested by a resolution of the House "to inquire into the expediency of reporting a bill making it the duty of the prosecuting attorney to prosecute all county officers for malfeasance or misfeasance in office, by presentment before the circuit court, and not by indictment by the grand jury," have had the subject under consideration and respectfully recommend a provision similar to the one referred to in said resolution to be incorporated in the criminal code now in preparation by said committee.

Which report was concurred in.

Mr. Gibson, from the committee on the Judiciary, made the following report:

**MR. SPEAKER :**

The committee on the Judiciary, who were instructed by a resolution of the House "to inquire into the expediency of reporting a general bill providing for cutting off one portion of a county and attaching it to another whenever a majority of the voters residing on the frontier proposed to be cut off may desire the same," have had the subject under consideration, and directed me to report that in the opinion of the committee, it would be probably impossible to frame a general law on the subject which, in its effects would not be open to serious objections; and they respectfully suggest that the passage of a general law, based upon the principle contained in the resolution, would be productive of endless difficulty, and not unfrequently of great injustice. They, therefore recommend that the subject be indefinitely postponed; and said committee ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, who were instructed by a resolution "to inquire whether, in their opinion, power could be constitutionally conferred upon the board doing county business to regulate the running at large of stock in their respective counties;" also, by another resolution "to inquire whether, in their opinion, power could be conferred upon such board to levy a specific tax on dogs in their respective counties"—have had the subjects embraced in said resolutions under consideration, and have directed me to report that, in the opinion of said committee, the exercise of the power contemplated in the resolutions could only be effected by the exercise of legislative power, and that this power could not be conferred on the boards doing county business, inasmuch as it cannot be deemed a mere power of administration. They are, therefore, of the opinion that a law conferring such power would come in conflict with the Constitution. Said committee ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Stover, from the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee on Corporations, to which was referred the petition of Benjn. F. Gregory and others, praying for the passage of a general law for the formation of companies for the purpose of detecting and arresting horse thieves and other felons—said committee have had the same under consideration, and directed me to report the following bill and recommend its passage:

No. 112. A bill to authorize the formation of companies for the detection and apprehension of horse thieves, and other felons, and defining their powers;

Which was read a first time, and passed to a second reading.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report:

**MR. SPEAKER:**

The joint committee on Enrolled Bills, have this day presented to the Governor for his approval, House Bills numbered 15 and 67.



## RESOLUTIONS OF THE HOUSE.

On motion by Mr. Owen,

*Resolved*, The Senate concurring, that the commissioners appointed, under the 20th section of the 7th article of the Constitution, be instructed to insert, at the proper places, in the Code of Practice to be prepared by them, provisions, in substance, as follows:

1. If a demurrer, exception or motion, raising a law point, for the decision of any circuit court, be adjudged frivolous, the same shall be overruled, at the cost of the attorney filing the same, or representing the party for whom the same is filed.

2. All surplusage, or tautology, in allegation, shall be considered matter of substance, before verdict or judgment, but not afterwards; and leave to amend, by striking out such surplusage or tautology, may be granted at the costs of the attorney filing such matter of allegation, or representing the party for whom the same is filed. And this rule shall be so construed as that costs resulting from the delay, incident to the adjudication upon such surplusage or tautology, or from such leave to amend, shall be taxed against such attorney.

3. The payment of costs, taxed against attorneys, under the above provisions, may be enforced by attachment, judgment, or suspension from practice, or by each of these remedies, seriatim.

4. In any case in the Supreme Court, it shall be the duty of said court, to ascertain, by reference or otherwise, the amount of surplusage or matter not strictly appertaining to the record set forth in the transcript certified from the inferior court; and, in such case, to calculate the fees for such surplusage, or matter not appertaining to the record, and certify the same in their judgment, ordering the inferior court to cause the amount of such surplusage so calculated, and the cost of reference, if any, to be refunded by the proper clerk to the proper party.

5. Such inferior court shall enforce such refunding, by attachment or by judgment and execution, as of a debt of record against a party in court.

On motion by Mr. Williams,

*Resolved*, That the Judiciary committee, to whom was referred the road bill of the House, be instructed to engraft a provision in said bill to exempt a sufficient number of firemen from working on highways for personal privileges, as many as may be necessary or usual to manage each engine.

On motion by Mr. Stover,

*Resolved*, That the committee on Benevolent and Scientific Institutions be instructed to inquire into the fact, whether the Treasurers of the Hospital for the Insane, the Institution for the Deaf and Dumb, and the Institution for the Blind, all or either, are required by the laws now in force, to give bonds for the honest performance of their duties, and report by bill or otherwise.

On motion by Mr. Nelson,

*Resolved*, That in the opinion of this House, the business of this body will be facilitated by a refusal to let members come in and have their votes recorded, who were not in their seats at the time their names were called.

On motion by Mr. Doughty,

*Resolved*, That the committee on the Rights and Privileges of the Inhabitants of the State of Indiana, be instructed to report a bill providing for the colonizing of the negroes and mulattoes of this State.

By unanimous consent of the House,  
Mr. Gibson presented the account of S. S. Lyons ;  
Which,

On motion,

Was referred to the committee on the Affairs of the State Prison.  
Mr. Gunn offered the following resolution:

*Resolved*, That the committee of Ways and Means be instructed to report a bill to this House, providing for the assessment of all taxable property within this State, repealing any or all laws now in force within this State which impose a tax on property clearly located without this State, except loaned money; this repealing clause not to affect any property whatever, such as boats or other water crafts, or any vehicle of conveyance, and their contents, owned by any of our citizens, known to be under the jurisdiction or protection of the laws of this State, notwithstanding said boats, &c., do travel without and return within this State. Said bill also to provide for the repeal of the law authorizing the circulation of the blank statements No. 1 and No. 2; the debts of tax-payers contracted with residents of this State only to be taken out of the amount of property the tax-payer owns.

On motion by Mr. Buskirk,  
The resolution was laid on the table.  
Mr. Davis offered the following resolution :

*Resolved*, That the committee on Ways and Means be instructed to incorporate in the bill for the assessment of taxes, a provision exempting all churches and church property, colleges and property pertaining to colleges, all libraries, the property of all cemetery associations, and other property held and devoted to charitable and scientific purposes.

Which was not adopted.

Mr. Porter offered the following resolution :

*Resolved*, That the committee on Education be instructed to inquire into the expediency of so amending the school law as to have the district schools commence on the first Monday of September in each year.

Which was not adopted.

By unanimous consent of the House,  
Mr. Stanfield obtained leave and introduced,

No. 113. A bill amending the fourteenth section of chapter 7, of article 1, so as to empower the board of county commissioners to purchase, in fee, lands for court house squares, or to enlarge the same.

Which was read a first time and passed to a second reading.

On motion by Mr. Stover,

Senate bill No. 17. A bill to provide for the appointment of a reporter, and the speedy publication of the decisions of the Supreme Court,

Was taken from the table and placed upon the files of the House.

#### ORDERS OF THE DAY.

#### *House Bills on Third Reading.*

No. 15. A joint resolution in relation to the improvement of the navigation of the Potoka, and the east fork of White river.

Was read a third time.

On motion by Mr. Behm,

The bill was committed to the committee on the Rights and Privileges of the Inhabitants of this State, with instructions to inquire into the necessity of the passage of a joint resolution of the kind.

No. 88. A bill for the taking up of animals going astray, and water crafts and other articles of value adrift.

Was read a third time;

And the question being put, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bula, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hunt, Kent, Laverty, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stevens, Stover, Stuart, Suit, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—84.

Mr. Sumner, voted in the negative.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn, their Secretary:

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that they have passed the following engrossed joint resolution thereof:

No. 55. Entitled, a joint resolution in relation to certain articles which were honorably obtained in Mexico and deposited in the State library, as articles of curiosity and interest, by the gallant and chivalric Capt. John S. Simonson.

In which the concurrence of the House is respectfully requested.

Mr. Gibson moved to reject joint resolution No. 55, contained in the foregoing message.

Mr. Gibson called the previous question ;

Which was seconded by the House.

The question being, Shall the main question be now put?

Was decided in the affirmative.

The main question then being put, Shall the joint resolution be rejected?

The ayes and noes were demanded by Messrs. Gibson and Smith of Spencer.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Bryant, Buskirk, Chowning, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Geddes, Gibson, Graham, Gunn, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Huey, Laverty, Lewis, Lindsay of Howard, Litchfield, McAllister, McConnell, McDowell, Miller, Morris, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Spencer, Stanfield, Stover, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Wells, Wilson, Withers, and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Barker, Behm, Brady, Bulla, Carpenter, Cockrum, Cowgill, Davis, Doughty, English, Hudson, Kent, Lawrence, Major, Manson, Mayfield, McDonald, Mudget, Nelson, Smith of Marion, Smith of Spencer, Stevens, Thompson, Watson, and Williams—25.

So the joint resolution was rejected.

No. 90. A bill to repeal an act amendatory to an act incorporating the city of Evansville ;

Was read a third time.

And the question being shall the bill pass ?

Being put,

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, English, Geddes, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holladay of Parke, Holliday of Blackford, Hostetter, Huey, Hunt, Kent, Laverty, Lawrence, Lewis, Litchfield, Major, Mayfield, McAllister, McConnell, McDonald, McDowell, Mudget, Nelson,

Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stevens, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wilson, and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Beeson, Holman, Lindsay of Howard, Manson, Miller, Morris, Porter, Stover, Torbet, Wells, Williams, and Withers—12.

So the bill passed.

By unanimous consent of the House,

On motion by Mr. Beach,

The clause requiring the bill to go into effect immediately on its passage, and publication was stricken out.

Ordered that the clerk inform the Senate thereof.

#### HOUSE BILLS ON SECOND READING.

No. 103. A bill to provide for the speedy redemption of the outstanding Treasury notes of the State of Indiana ;

Was read a second time and ordered to be engrossed.

A message from the Senate by Mr. Dunn, their secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that they have passed the following engrossed bill thereof :

Bill No. 58. Entitled an act providing for the districting of the State of Indiana into Congressional Districts ;

In which the concurrence of the House is respectfully requested.

Bill No. 58, contained in the foregoing message, was read a first time and ordered to a second reading.

No. 104. A bill to regulate the mileage of sheriffs in conveying convicts to the State Prison, and of county treasurers in making deposits, and in their settlements with the Treasurer and Auditor of State ;

Was read a second time.

Mr. Hudson moved to amend the bill by inserting, in the proper place " that the sheriff shall be allowed 8 cents per mile for first convict, 6 for the second, and 4 for the third.

On motion by Mr. Spencer,  
The bill and pending amendment were laid on the table.

No. 105. A bill to provide for the sale of the stock owned by the State of Indiana in the Madison and Indianapolis Railroad Company;

Was read a second time.

On motion by Mr. Buskirk,  
The bill was laid on the table.

No. 106. A bill to provide for a geological survey of the State of Indiana;

Was read a second time.

Mr. Owen moved to refer the bill to the committee on the Geological Survey of the State.

Mr. McDonald moved that the bill be indefinitely postponed;

And the question being put;

The ayes and noes were demanded by Messrs. Owen and McDonald.

*Those who voted in the affirmative were,*

Messrs. Barker, Beeson, Behm, Brady, Bulla, Cockrum, Cowgill, Crawford, Davis, Dice, Donaldson, Douthit, Eccles, Geddes, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Holman, Hostetter, Huey, Lindsay of Howard, Major, McAllister, McConnell, McDowell, Miller, Mudgett, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Stuart, Suit, Sumner, Thompson, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—48.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Bryant, Buskirk, Chowning, Cromwell, Dobson, Donham, Doughty, English, Gibson, Goudy, Hay of Clark, Holliday of Blackford, Hudson, Hunt, Kent, Laverty, Lawrence, Lewis, Litchfield, Manson, Mayfield, McDonald, Morris, Nelson, Owen, Porter, Smith of Marion, Spencer, Stevens, Stover, Sweet, Taggart, Torbet, and Wells—36.

So the bill was indefinitely postponed.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

Bill No. 63. An act authorizing the issuing of executions, and fee bills in the supreme court, in cases upon which no execution or fee bills has issued for three years from the rendition of judgment, and where fees have not been collected for three or more years from the termination of the suit in which the same is taxed;

In which the concurrence of the House is respectfully requested.

Bill No. 63, contained in the foregoing message,  
Was read a first time, and ordered to a second reading.

On motion by Mr. Mudget,  
The House adjourned until 2 o'clock.

2 o'clock, P. M.

The House met.

#### ORDERS OF THE DAY RESUMED.

No. 107. A bill in relation to the printing of public documents.  
Was read a second time.

On motion of Mr. Smith of Marion,  
The bill was referred to the committee on Public Printing.

No. 108. A bill regarding the administration of estates of the value of five hundred dollars or less.

Was read a second time.

Mr. Nelson offered the following amendment,  
Amend after the word "deceased" in the last line of the 3rd section as follows:

"Which she shall hold independent of any debts or encumbrances hereafter created, except mortgages in which she may have joined in the conveyance, or as consideration money for real estate."

Mr. Cockrum, moved to amend the amendment by striking out "500" and inserting "200," whenever it occurs.

The question being first, on the adoption of the amendment offered by Mr. Nelson,

And being put,

It was decided in the affirmative.



The question then being on the adoption of the amendment offered by Mr. Cockrum,  
And being put,  
The ayes and noes were demanded by Messrs. Holman and Nelson.

*Those who voted in the affirmative were,*

Messrs. Bulla, Buskirk, Cockrum, Cowgill, Cromwell, Davis, Dice, Donaldson, Donham, English, Graham, Gunn, Hart, Helmer, Holman, Hudson, Laverty, Lawrence, Lewis, Manson, Mayfield, McAllister, McConnell, Ray, Scudder, Shanklin, Staton, Struble, Suit, Taggart, Thompson, Walker, Williams, Withers, and Mr. Speaker—35.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Carpenter, Chowning, Crawford, Doughty, Douthit, Eccles, Geddes, Gibson, Goudy, Hanna, Hay of Clark, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Huey, Hunt, Lindsay of Howard, Litchfield, Major, McDonald, McDowell, Morris, Nelson, Owen, Porter, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stover, Stuart, Sumner, Sweet, Watson, Wells, and Wilson—44.

So the amendment was not adopted.

By unanimous consent of the House,

Messrs. Hunt and Beach recorded their votes.

Mr. Shanklin moved to amend the bill by striking out "500," and insert "what shall hereafter be exempt from execution."

Which motion did not prevail.

On motion by Mr. Holman,

The bill was referred to the Judiciary committee.

Mr. Laverty, from the joint committee on Enrolled bills, made the following report:

**MR. SPEAKER:**

The joint committee on Enrolled Bills, have compared enrolled bill of the Senate No. 36, with the engrossed copy thereof, and find the same correctly enrolled.

A message from the Senate, by Mr. Dunn, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representa-

tives that the Senate has passed the following engrossed bill of the House:

No. 56. Entitled, an act making general provisions concerning courts of justice and the powers and duties of judicial officers.

With the following engrossed amendment thereto, in which the concurrence of the House is respectfully requested.

Also, that the Senate has passed the following engrossed bill of the House:

No. 98. Entitled, an act authorizing the circuit courts of this State to try and determine indictments for felony on an enrolled copy thereof duly certified.

With the accompanying engrossed amendments thereto, in which the concurrence of the House is respectfully requested.

House bill No. 56, contained in the foregoing message, was taken up. The question being on concurring in the engrossed amendments of the Senate,

Mr. Stuart called a division of the question.

The question being on concurring in the first amendment, and being put,

It was decided in the negative.

The question then being on concurring in the second amendment, and being put,

It was decided in the affirmative.

Ordered, that the clerk inform the Senate thereof.

House bill No. 98, contained in the foregoing message, was taken up.

On motion by Mr. Smith of Marion,

The engrossed amendments of the Senate were concurred in, with the following amendment, to-wit:

Insert in the proper place,

SEC. —. Whenever any indictment shall have been lost, mislaid or stolen, at any time before final judgment thereon, the statute of limitations shall not bar the finding of a new indictment for the same offence and the arraignment and trial of the defendant therein, at any time within one year from the time such indictment shall have been ascertained to be lost, stolen or mislaid.

Ordered that the clerk inform the Senate thereof.

By unanimous consent of the House Mr. Gibson offered the following resolution:

*Resolved*, That 100 copies of the report of the Judiciary committee distributing business among the different committees be printed for the use of the House.

Which was adopted.

No. 109. A bill for the appointment of Commissioners to relocate the seat of Justice of Fountain county providing for the com-

compensation of such Commissioners, and for levying an additional tax to defray the expenses incident thereto,

Was read a second time.

On motion by Mr. Dice,

The bill was referred to the committee on Corporations.

A message from the Senate by Mr. Dunn their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed Joint resolution of the House.

No. 13, entitled, "Joint resolution instructing our Senators and requesting our representatives in Congress to procure a site for a National Armory on the waters of the Ohio River, at Evansville in the State of Indiana."

No. 110. A bill to change the time of holding the Probate court in Dearborn county.

Was read a second time and ordered to be engrossed.

#### HOUSE BILLS ON THIRD READING.

No. 92. A bill relative to arbitrations and umpirages.

Was read a third time,

And the question being put, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Henry, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hunt, Kent, King, Laverty, Lawrence, Lewis, Litchfield, Manson Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—75.

*Those who voted in the negative were,*

Messrs. Helmer and Stover—2.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

A message from the Governor, by Mr. King, executive messenger:

**MR. SPEAKER:**

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 15. An act to fix the time at which county treasurers shall make their annual settlements with the county auditors, and with the Auditor of State, and to authorize them to make deposits under the direction of the Treasurer of State, so far as the revenue of 1851 is concerned.

No. 67. An act to change the time of holding courts in the 8th judicial circuit.

Which bills originated in the House.

No. 94. A bill to constitute a council to be composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons, and to regulate the granting of such pardons, and the remission of fines and forfeitures.

Was read a third time,

And the question being put, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty Douthit, Eccles, English, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hunt, Kent, King, Laverly, Lawrence, Lewis, Litchfield, Manson, Mayfield, McAllister, McConnell, Miller, Morris, Mudget, Nelson, Porter, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart Thompson, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—79.

*Those who voted in the negative were,*

Messrs. Buskirk, McDonald, McDowell, Ray, and Smith of Spencer—5.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Senate joint resolution No. 26. For the purpose of obtaining from the General Government a grant of the unsold land belonging thereto, in the Vincennes district, for the benefit of common schools;

Was read a third time,  
And the question being put, Shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Gibson, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hunt, Kent, King, Laverty, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, Morris, Mudget, Nelson, Porter, Ray, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—74.

*Those who voted in the negative were,*

Messrs. Graham, McDowell, and Reynolds—3.

So the joint resolution passed.

Ordered that the Clerk inform the Senate thereof.

No. 16. A joint resolution asking a more liberal construction of the act of Congress of May 9th, 1848;

Was read a third time.

And the question being put, Shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Geddes, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hunt, King, Laverty, Lawrence, Lewis, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, Miller, Morris, Nelson, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Staton, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Withers—73.

*Those who voted in the negative were,*

Messrs. Gibson, Graham, Hart, Manson, McDonald, McDowell, Smith of Spencer, Stover, and Mr. Speaker—9.

So the joint resolution passed.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Stuart,

The vote on concurring in the engrossed amendment of the Senate to House bill No. 56, was reconsidered.

The question then being on concurring in the engrossed amendment of the Senate to bill No. 56,

And being put;

It was decided in the negative.

Ordered that the clerk inform the Senate thereof.

No. III. A bill defining the jurisdiction, and regulating the practice of probate courts;

Was read a second time.

On motion by Mr. Beach,

The bill was referred to the committee on Organization of courts of justice.

On motion by Mr. Kent,

The vote on the passage of joint resolution

No. 16. A joint resolution asking a more liberal construction of the act of Congress of May 9, 1848,

Was reconsidered.

The question then being, Shall the joint resolution pass?

On motion by Mr. Stover,

The joint resolution was laid on the table.

No. 26. A bill to exempt property from sale in certain cases;

Was read a third time.

Mr. Graham moved to recommit the bill to the Judiciary committee with instructions to strike out five hundred and insert one hundred and fifty dollars.

Mr. Taggart moved to amend the instructions by striking out "150" and insert "250."

And the question being put,

It was decided in the negative.

Mr. Gibson moved to amend the instructions by striking out the

words in the 1st section "or for any fine, penalty or liability incurred."

Pending which,

On motion by Mr. McDonald,

The bill was laid on the table.

No. 71. A bill to provide for the election of State and county officers, and repealing all former acts inconsistent with the same ;

Was read a second time.

On motion by Mr. Donaldson,

The bill was recommitted to the committee on Elections, with instructions to perfect the bill.

Mr. King moved the House adjourn ;

Which motion did not prevail.

No. 17. A bill to provide for the appointment of a reporter, and the speedy publication of the decisions of the supreme court ;

Was taken up.

The question being on concurring in the engrossed amendments of the Senate :

On motion by Mr. McDonald,

The bill and amendments were referred to the Judiciary committee.

On motion by Mr. Stuart,

The House adjourned.

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TUESDAY MORNING, }  
January 27, 1852. }

The House met.

5

The Journal of the preceding day was read.

Mr. Wilson, from the committee on Engrossed Bills of the House, made the following report:

**MR. SPEAKER:**

The committee on Engrossed Bills have examined Engrossed bills Nos. 110 and 103, and report them correct.

**PETITIONS AND MEMORIALS PRESENTED.**

By Mr. King:

The petition of S. S. McCrary and others, of Jefferson county, in reference to the assessment law ;

Which,

On motion,

Was referred to the committee on Ways and Means.

By Mr. Struble:

The memorial of sundry ladies and gentlemen of Bartholomew county, on the subject of temperance.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Huey:

The petition of sundry citizens of Jay county, praying the repeal of the present grand jury law ;

Which,

On motion,

Was referred to the committee on the Judiciary.

**REPORTS FROM COMMITTEES.**

Mr. Behm, from the committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The Judiciary committee, to which was referred House bill No. 45, entitled "a bill to prohibit negroes and mulattoes from coming into the State of Indiana," &c., have directed me to report the same back to the House and recommend its recommitment to the committee on the Rights and Privileges of the Inhabitants of the State, and ask to be discharged from the further consideration of the subject.

Which report was concurred in, and the bill referred to the committee on the Rights and Privileges of the Inhabitants of this State.



Mr. Beach, from the Judiciary committee, made the following report:

MR. SPEAKER:

The committee on the Judiciary, who were instructed by a resolution of the House to inquire whether, under the act for the government of the insane, approved January 15, 1852, insane colored persons residing in the State, and having a legal settlement in any county therein, are entitled to the benefit of the same, upon taking such steps as are required by said law for admission into said hospital, or are the provisions only applicable to white persons," have had the subject under consideration, and have directed me to report that in the opinion of the committee, any person who has acquired a legal settlement in this State is entitled to the benefit of the act referred to. Negroes, or any other persons of color, may by virtue of the laws of this State (in cases where the provisions of the 13th article of the Constitution would not intervene) acquire a legal settlement, and in the absence of any other restrictive provision, the provisions of the act would undoubtedly embrace all persons legally settled in the State. Whether such was the intention of the Legislature in passing the law, can of course only be determined from the phraseology of the law itself, but that such is the effect is clearly the opinion of the committee.

Which report was concurred in.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary committee, who were instructed by a resolution of the House "to inquire into the constitutionality of the latter part of the 2d specification of section 32 of the personal property assessment law; also of the 4th and 11th specifications of the same section," have had the same under consideration, and have directed me to report that the first section of article 10 of the Constitution is as follows: "The General Assembly shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literary, scientific, religious, or charitable purposes as may be specially exempted by law." Assessment and taxation must, therefore, be uniform and equal, and all property, real and personal, shall be taxed, "excepting such only for municipal, educational, literary, scientific, religious, or charitable purposes as may be specially

exempt by law." Such being the phraseology of that section of the Constitution, it necessarily follows that no property held by any individual for private and individual purposes can be exempt from taxation, and that even as to a poll or other specific tax, a rule, equal and uniform, must be adopted by legislation. The committee are therefore of opinion that the 2d and 11th specifications of said section are in conflict with the Constitution.

As to the 4th specification of the section, which exempts from taxation "all lands sold by the United States until the term of five years from the day of sale shall have expired," the committee are of opinion that, inasmuch as the act of Congress entitled "an act declaring the assent of Congress to certain States to impose a tax upon all lands hereafter sold by the United States therein, from and after the day of such sale," approved January 26, 1847, has removed the restriction contained in the act of Congress of April 19, 1816, against taxing lands sold by the United States until the expiration of five years from the day of sale. Such lands must be deemed as between the owners thereof and the State, as equally subject with other lands of the State to taxation; and the language of the section above referred to, "all property both real and personal," must be construed to mean all property which the State has the legal right to tax; therefore, it is their opinion that, such lands being legally subject to taxation, the 4th specification of said section, exempting such lands from taxation, is in conflict with the section of the Constitution before referred to.

The committee ask to be discharged from the further consideration of the subject.

On motion by Mr. Torbet,

The report was referred to the committee of Ways and Means.

Mr. Wells, from the committee on Agriculture, made the following report:

MR. SPEAKER:

The committee on Agriculture have directed me to report the following bill and recommend its passage:

No. 114. A bill in relation to enclosures and trespassing animals; Which was read a first time, and passed to a second reading.

Mr. Bulla, from the committee on Agriculture, made the following report:

MR. SPEAKER:

The committee on Agriculture, to whom was referred a resolution of the House on the subject of levying a tax on stable horses, have

had that matter under consideration, and instructed me to report that it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Hays, from the committee on Agriculture, made the following report:

MR. SPEAKER:

The committee to whom was referred a resolution requesting an inquiry into the expediency of prohibiting any person from letting any bull, boar or ram run at large, have had the same under consideration, and instructed me to report that they consider it in opposition to the laws of nature, and in violation of the Constitution of the State of Indiana, to legislate upon the subject, and ask to be discharged from any further consideration of the subject.

Which report was concurred in.

Mr. Henry, from the committee on the Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The committee on the Organization of Courts, to whom was referred a resolution of the House, directing an inquiry into the expediency of a change in the law in relation to notice to non-residents of an intention to survey undivided lands, &c., have had that subject under consideration, and respectfully submit that the subject matter of said resolution does not properly belong to the duties of your committee; they, therefore, return the same, recommending its reference to the committee on Agriculture, and ask to be discharged.

Which report was concurred in, and the resolution so referred.

Mr. Stuart, chairman of the committee on the Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The committee on the Organization of Courts of Justice, to whom was referred certain resolutions of the House, inquiring into the expediency of enlarging the jurisdiction of justices of the peace in civil matters, have had this subject under consideration, and have instructed me to report it inexpedient to legislate thereon, and ask to be discharged, &c.

On motion by Mr. Behm,  
The report was laid on the table.

Mr. Smith of Marion, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 89, entitled "a bill in relation to the officers and soldiers of Indiana who served in the war with Mexico," have had the same under consideration, and directed me to report it back, and recommend its passage.

On motion by Mr. Graham,  
Bill No. 89, contained in the foregoing report, was amended by adding at the proper place the soldiers of 1811, 1812 and 1813.  
The bill as amended, was ordered to be engrossed.

#### RESOLUTIONS OF THE HOUSE.

On motion by Mr. Beeson,

*Resolved*, That the committee on Ways and Means be requested to inquire into the expediency of calling in all the trust funds of this State, and apply said funds to the redemption of our State bonds, and report by bill or otherwise.

Mr. Withers offered the following resolution:

*Resolved*, That the committee on Education be instructed to inquire into the expediency of levying a tax, not to exceed ten cents on a hundred dollars of taxable property, for common school purposes, and report by bill or otherwise.  
Which was not adopted.

On motion by Mr. Owen,

*Resolved*, That the Judiciary committee be instructed to report to this House a bill regulating, under proper restrictions, the descent or devise of property to alien friends, and giving to such alien friends a reasonable time in which either to become citizens of this State, or dispose of the property so descended or devised to them.

On motion by Mr. Miller,

*Resolved*, That the committee on the organization of courts, be instructed to insert in the bill to be by them reported to this House,

organizing and defining the duties of county boards, a section expressly prohibiting said boards from ever appropriating money out of the county treasury except as clearly provided for by law.

On motion by Mr. Lewis,

House bill No. 95. A bill to provide for the enlargement of the Indiana Hospital for the Insane ;

Was taken from the table and placed upon the files of the House.

On motion by Mr. Stuart,

House bill No. 26. A bill to exempt property from sale in certain cases ;

Was taken from the table.

The question being on the adoption of the amendment of Mr. Gibson to the instructions of Mr. Graham ;

When,

On motion by Mr. Suit,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met,

And proceeded to the special order of the day, viz: the following resolution :

*Resolved*, That the committee on the Judiciary be, and they are hereby instructed to report to this House, at the earliest practicable period, a bill to abolish capital punishment.

The question pending was the amendment of Mr. Lindsay of Howard, "to make the resolution one of inquiry."

Mr. Torbet moved that the further consideration of the resolution be postponed until to-morrow 2 o'clock, P. M.

Which motion did not prevail.

On motion by Mr. Withers,

A call of the House was ordered.

The clerk proceeded to the call.

When the following members were present and answered to their names.

Messrs. Barker, Beach, Beane, Beeson, Bryant, Brady, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Graham, Gunn, Hay of Clarke, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Humphreys, King, Lavery, Lawrence, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Porter, Ray, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker.

On motion by Mr. Brady,

A further call of the House was suspended.

The question then being on the adoption of Mr. Lindsay's of Howard amendment to the resolution.

And being put,

It was decided in the affirmative.

Mr. McDonald moved to amend the resolution by striking out from the resolving clause and insert the following:

"That the present law respecting capital punishment be continued as the law of the land."

The question being put on striking out and inserting the amendment,

The ayes and noes were demanded by Messrs. McDonald and Gibson.

*Those who voted in the affirmative were,*

Messrs. Barker, Brady, Buskirk, Cockrum, Cromwell, Dobson, Donaldson, Eccles, Foster, Gibson, Goudy, Graham, Hay of Clark, Helmer, Hicks, Holman, Hostetter, Hudson, Humphreys, Kent, King, Lavery, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Mudgett, Nelson, Ray, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stevens, Stover, Stuart, Suit, Sweet, Walker, Watson, Wells, Williams and Wilson—52.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Beeson, Bryant, Carpenter, Chowning, Cowgill, Crawford, Davis, Dice, Donham, Doughty, Douthit, Geddes,

Gunn, Hays of White, Henry, Holladay of Parke, Holliday of Blackford, Huey, Lawrence, McDowell, Morris, Owen, Porter, Staton, Struble, Taggart, Thompson, Torbet, Withers, and Mr. Speaker—32.

So the resolution was stricken out from the resolving clause and the substitute proposed by Mr. McDonald adopted.

The resolution was then adopted.

The House then resumed the consideration of House bill No. 26.

The question pending at the last adjournment being the adoption of the amendment proposed by Mr. Gibson to the instructions of Mr. Graham, and being put,

It was decided in the negative.

The question recurring on recommitting the bill with the instructions of Mr. Graham,

Mr. Brady called a division of the question.

The question being first on recommitting the bill, and being put,

It was decided in the negative.

Mr. Owen moved to reconsider the vote by which the House refused to recommit bill No. 26.

Which motion did not prevail.

The question then being, Shall the bill pass?

And being put,

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Behm, Brady, Bryant, Chowning, Cowgill, Crawford, Dice, Donaldson, Doughty, Douthit, Eccles, Geddes, Goudy, Hanna, Hays of White, Henry, Holladay of Parke, Hostetter, Hudson, Huey, Humphreys, Hunt, Litchfield, Major, McConnell, McDonald, McDowell, Morris, Mudgett, Nelson, Owen, Porter, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stuart, Sweet, Watson, Williams, and Wilson—43.

*Those who voted in the negative were,*

Messrs. Barker, Bulla, Buskirk, Carpenter, Cockrum, Cromwell, Davis, Dobson, Donham, English, Foster, Gibson, Graham, Gunn, Hay of Clark, Helmer, Hicks, Holliday of Blackford, Holman, King, Lavery, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Manson, Mayfield, McAllister, Ray, Reynolds, Schoonover, Scudder, Shanklin, Spencer, Stevens, Stover, Struble, Suit, Taggart, Thompson, Walker, Wells, Withers, and Mr. Speaker—43.

So the bill did not pass.

Mr. Owen, under the rule, gave notice of a motion for leave to introduce a bill exempting certain property from sale on execution.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendment of the House to engrossed amendment of the Senate to engrossed bill of the House

No. 98, entitled "An act authorizing the circuit courts of this State to try and determine indictments for felony on an enrolled copy thereof duly certified.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed joint resolution of the House:

No. 14, entitled "A joint resolution in relation to constructing a canal around the falls of the Ohio River."

Mr. Laverty, from the joint committee on Enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled bills have compared enrolled joint resolution of the House numbered 13, with the engrossed copy thereof, and find the same correctly enrolled.

Whereupon, the Speaker signed the same.  
Ordered, that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate adheres to the engrossed amendments of the Senate to bill of the House No. 56, entitled "An act making general provisions concerning courts of justice, and the powers and duties of judicial officers."

Mr. Stuart moved that the House recede from their vote refusing



to concur in the engrossed amendment of the Senate to bill of the House No. 56;

Which motion did not prevail.

Ordered, that the clerk inform the Senate thereof.

#### HOUSE BILLS ON SECOND READING.

No. 112. A bill to authorize the formation of companies for the detection and apprehension of horse thieves, and other felons, and defining their powers;

Was read a second time, and ordered to be engrossed.

No. 113. A bill amending the fourteenth section of chapter 7, of article 1, so as to empower the board of county commissioners to purchase, in fee, land for court house squares, or to enlarge the same.

Was read a second time.

On motion by Mr. Stanfield,

The bill was referred to a select committee of three.

Messrs. Stanfield, Taggart, and Hart, were appointed said committee.

#### SENATE BILLS ON SECOND READING.

No. 58. A bill to provide for the districting of the State of Indiana into Congressional districts;

Was read a second time.

Mr. McDonald moved to refer the bill to a select committee of one from each Congressional district.

Mr. Mudget moved to lay the bill on the table.

Mr. Buskirk moved a call of the House;

Which motion did not prevail.

The question then being on laying the bill on the table,

And being put,

The ayes and noes were demanded by Messrs. McDonald and Mudget.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Chowning, Davis, Dice, Doughty, Eccles, Foster, Goudy, Graham,

Gunn, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hudson, Hunt, Kent, King, Lavery, Lawrence, Lewis, Litchfield, Mayfield, McAllister, McConnell, Mudget, Owen, Ray, Schoonover, Scudder, Smith of Marion, Staton, Stevens, Stuart, Sweet, Thompson, Walker and Watson—45.

*Those who voted in the negative were,*

Messrs. Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Dobson, Donham, Douthit, English, Geddes, Gibson, Hanna, Hay of Clark, Hays of White, Holman, Hostetter, Huey, Humphreys, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McDonald, McDowell, Morris, Nelson, Porter, Shanklin, Smith of Spencer, Stanfield, Spencer, Stover, Struble, Suit, Taggart, Wells, Williams, Wilson, Withers, and Mr. Speaker—41.

So the bill was laid on the table.

No. 63. A bill authorizing the issuing of executions and fee bills in the Supreme court in cases upon which no execution or fee bill has issued for three years from the rendition of Judgment, and where fees have not been collected for three or more years from the termination of the suit in which the same is taxed.

Was read a second time.

On motion by Mr. Holman,

The bill was referred to the committee on the Judiciary.

#### HOUSE BILLS ON THIRD READING.

No. 103. A bill to provide for the speedy redemption of the outstanding treasury notes of the State of Indiana ;

Was read a third time.

And the question being, shall the bill pass?

And being put,

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hunt, Kent, Lavery, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald,

McDowell, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Suit, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—81.

Mr. Holladay of Parke voted in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 110. A bill to change the time of holding the probate court in Dearborn county;

Was read a third time.

The question being shall the bill pass?

And being put,

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Huey, Humphreys, Hunt, Kent, Laverty, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—84.

No person voting in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

The Speaker laid before the House the following communication from J. S. Brown, Superintendent of the Asylum for the Deaf and Dumb:

INSTITUTION FOR THE DEAF AND DUMB, }  
Indianapolis, January 27th, 1852. }

DR. E. LEWIS :

*My Dear Sir:*—Will you have the kindness to announce to the House of Representatives, that the exhibition of the pupils of this Asylum will take place in the Hall of the House of Representatives, on Monday evening next, at 6½ o'clock, P. M., provided there should be no objection made by the members to the time and place. To secure the opportunity to members of the General Assembly of witnessing the exercises, no person will be admitted except by ticket. Tickets will be laid on the tables of members on Monday morning, and the Speaker will be furnished with a few extra numbers, which may be procured by those Representatives wishing to introduce their families or constituents.

With sentiments of the highest regard,

Your ob't serv't,

J. S. BROWN.

On motion by Mr. McDonald,

House bill No. 93. An act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant ;

Was taken from the table and placed upon the files of the House.

On motion by Mr. Lewis,

The use of this Hall was granted J. S. Brown, Superintendent of the Deaf and Dumb Asylum, on Monday evening next for the purpose of giving an exhibition of the proficiency of the pupils of said Asylum.

On motion by Mr. Hudson,

A committee of conference was appointed on House bill No. 56, to act with a similar committee on the part of the Senate.

Messrs. Stuart and Hudson were appointed said committee on the part of the House.

On motion by Mr. Graham,

No. 17. A joint resolution in relation to the improvement of the navigation of the Patoka, and the east fork of White river ;

Was taken from the table and placed on the files of the House.

On motion by Mr. Graham,

The joint resolution was committed to a select committee of three.

Messrs. Graham, Scudder and Cockrum were appointed said committee.

In pursuance of previous notice, Mr. Owen obtained leave and introduced,

No. 115. A bill to exempt property from sale in certain cases. Which was read a first time, and passed to a second reading.

Mr. Douthit gave notice that he would on to-morrow move to rescind the 57th rule of this House.

By unanimous consent of the House, Mr. Humphreys obtained leave and introduced,

No. 18. A joint resolution ; Which was read a first time and passed to a second reading.

On motion by Mr. King,  
The House adjourned.

WEDNESDAY MORNING, }  
January 28, 1852. }

The House met.

The journal of the preceding day was read.

Mr. Wilson from the committee on Engrossed Bills made the following report :

MR. SPEAKER :

The committee on Engrossed Bills have examined House bills Nos. 89 and 112, and find them correctly engrossed.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report :

**MR. SPEAKER :**

The joint committee on Enrolled Bills have this day presented to the Governor, for his approval, joint resolution of the House No. 13. Whereupon the Speaker signed the same.  
Ordered, that the clerk inform the Senate thereof.

#### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Smith of Marion ;

The petition of sundry citizens of Indianapolis, asking an amendment to the city charter, to make all city officers elected by the people.

Which,

On motion,

Was referred to a select committee of three.

Messrs. Smith of Marion, Brady and Manson, were appointed said committee.

By Mr. Cowgill ;

The memorial of sundry ladies and gentlemen of Wabash county, on the subject of temperance.

Which,

On motion,

Was referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Owen, chairman of the committee on Education, made the following report :

**MR. SPEAKER :**

The committee on Education, to whom was referred a memorial of the Trustees of Indiana University, praying that square No. twenty-five in the city of Indianapolis, heretofore set apart for the use of a State University, be sold, and the proceeds applied to erect and furnish buildings at the seat of government, for a Law and Medical branch of the said University, have had that subject under consideration, and have instructed me to report a bill ;

No 116. A bill to establish at the seat of government, Law and Medical branches of the State University.

Which was read a first time and passed to a second reading.

Mr. Wells, from the committee on Agriculture, made the following report :

MR. SPEAKER :

The committee on Agriculture have directed me to report the following bill, and recommend its passage :

No. 117. A bill in relation to partition fences, and for the recovery of fences constructed on the lands of another through mistake.

Which was read a first time and passed to a second reading.

Mr. McAllister, chairman of the committee on Agriculture, made the following report :

MR. SPEAKER :

The committee on Agriculture, to whom was referred two several petitions from citizens of the county of Lake, on the subject of hogs, sheep and other animals going at large, have had that subject under consideration, and have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from further consideration of the same.

Which report was concurred in.

Mr. Lewis, chairman of the committee on Benevolent and Scientific institutions, made the following report :

MR. SPEAKER :

The committee on Benevolent and Scientific Institutions to whom was referred a resolution to inquire into the fact, as to whether the treasurer of the Indiana Asylum for the Insane, the Indiana Institute for the Education of the Blind, and also the Indiana Asylum for the Education of the Deaf and Dumb, are required by law to give bond for the true performance of their duties, would respectfully inform the House, that the State Treasurer is the treasurer for the Asylum for the Insane, and also for the Deaf and Dumb; that for the Institution for the Blind, Seaton W. Norris, (one of the present trustees) is the treasurer, and that the law so far as the committee are informed, does not require him to give bond.

The committee recommend the passage of a law requiring the

treasurers of all Benevolent Institutions within the State, that are supported by the State, to give bond.

They respectfully ask the adoption of the above report.

Which report was concurred in.

Mr. Stuart, chairman of the committee on the Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The committee on the Organization of Courts, to whom was referred a resolution in relation to the expediency of providing that constables, (to be selected by the board of commissioners,) should act as bailiffs &c., to the circuit court &c., have had that subject under consideration, and have directed me to submit the following report:

A bailiff is a quasi deputy of the sheriff—acting under his direction, and for whose acts the sheriff is in some measure responsible. It seems therefore to your committee eminently proper that the sheriff should have the selection of men who are to act under and for him. On the other hand it would be anomalous to give the selection of bailiffs to one set of men, and hold another set of men responsible for their acts. With the same reason it might be insisted that all the sheriff's deputies should be selected by the board of commissioners. The man that is competent to be sheriff, is surely competent to select his own agents. He whose official bond is the pledge for the good faith and correctness of his deputies, ought surely to be permitted to select these deputies. Let him who has the responsibility, have also the right. Nor can your committee see any possible point to be gained by the proposed change; while they see a wide door opened to fraud and injustice. Your committee therefore respectfully report that it is inexpedient to legislate, and ask to be discharged.

Which report was concurred in.

Mr. Smith of Marion, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the preamble and resolution of the City Council of Indianapolis, asking for an amendment of the charter of said City to enable the City Council to levy an annual tax for general purposes sufficient to meet the necessary and economical expenses of the city, have had that subject under consideration, and beg leave to submit the following as the result of their deliberations. Your committee find upon examination of said



city charter that the City Council are already authorized to levy a tax on personal and real property not exceeding fifteen cents on the \$100 valuation, and that they may levy a greater tax, provided the same be submitted to the people and a majority of the voters agree to the same. To say nothing of the doubts that would be entertained in regard to withholding any wholesome restriction that the people might hold over their public servants in a government where all power emanates from the people, there is an insuperable objection to granting the request of the City Council. This House has already decided that the Legislature may modify the charters of municipal corporations, but cannot by special law enlarge the powers of any such municipal corporations, and your committee are unanimously of the opinion that the amendment asked for in the preamble and resolution would be an enlargement of the powers heretofore granted, and it would not be proper to ask this House to reverse a decision previously made. Inasmuch as the committee on Corporations are preparing a bill for the incorporation of cities and towns, your committee would recommend that the preamble and resolution be laid on the table, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.

And the preamble and resolution laid on the table.

#### RESOLUTIONS OF THE HOUSE.

Mr. Williams offered the following resolution :

*Resolved*, That the committee on the State Library enquire into the propriety of authorizing the State Librarian to purchase from Elihu Stout 36 volumns of the Western Sun and General Advertiser a weekly newspaper published in Vincennes from the year 1810 to 1846, for the use of the State Library.

Which was not adopted.

On motion by Mr. Owen,

Leave of absence was granted to Mr. Marrs, on account of sickness.

On motion by Mr. Smith of Spencer,

*Resolved*, That the President of the Madison and Indianapolis rail road be requested to furnish this House, (in addition to the information heretofore called for,) the original capital stock of said company, and the present capital stock of said company, and upon what basis the additional capital stock was issued ; also, a copy of the pamphlet heretofore issued by said President, which contains a rail road map of Indiana, and treats, in part, of the probabilities of the Madison road being injured by rail roads.

On motion by Mr. Major,

*Resolved*, That the chairman of the Board of Trustees of the Indiana Institution for the education of the Blind, be required to furnish this House with a statement of the number and names of persons employed in said institution,—the duties assigned to each, and the salaries and wages paid to each, annually; also, a statement of the indebtedness of the institution at the close of the last year, and the probable current expense of maintaining the institution the present year.

Mr. Douthit offered the following resolution:

*Resolved*, That the fifty-seventh rule be, and the same is hereby rescinded.

On motion by Mr. Lindsay of Howard,

The resolution was amended by striking out the word "*rescinded*," and inserting the word "*enforced*."

The resolution as amended was then adopted.

Mr. Buskirk, under the rule, gave notice of a motion for leave to introduce a bill for the financial government of the Benevolent Institutions of the State.

By unanimous consent of the House,

Mr. Hudson presented the memorial of sundry merchants, boat owners, and forwarders, of the town of Terre Haute.

Which,

On motion,

Was referred to a select committee heretofore appointed on the same subject.

Mr. Brady, under the rule, gave notice of a motion for leave to introduce a joint resolution relative to renting the house on the Governor's circle.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 114. A bill in relation to enclosures, and trespassing animals;  
 Was read a second time.

On motion by Mr. Nelson,  
 The bill was recommitted to the committee on Agriculture.

No. 115. A bill to exempt property from sale in certain cases;  
Was read a second time.

Mr. McDowell offered the following amendments :

Insert in the fourth line of section first, after the word "*employed*,"  
"or from any fine, penalty, or liability incurred."

Which was not adopted.

Mr. Owen moved to amend the bill by striking out "500," and insert "300," wherever it occurs.

Which amendment was adopted.

Mr. Graham offered the following amendment :

Strike out the words "three hundred," where they occur in the bill, and insert "one hundred and fifty."

Mr. McDowell moved to lay the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Graham and Scudder.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Chowning, Cowgill, Crawford, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Goudy, Hanna, Hays of White, Henry, Hicks, Holladay of Parke, Hostetter, Hudson, Huey, Humphreys, Hunt, Kent, Laverty, Lawrence, Lewis, Lindsey of Fayette, Litchfield, Major, McConnell, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Reynolds, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Williams, and Wilson—59.

*Those who voted in the negative were,*

Messrs. Buskirk, Carpenter, Cockrum, Cromwell, Davis, English, Foster, Graham, Gunn, Helmer, Holliday of Blackford, Holman, King, Linsday of Howard, Manson, Mayfield, McAllister, Ray, Schoonover, Scudder, Shanklin, Spencer, Stevens, Taggart, Walker, Wells, Withers and Mr. Speaker—28.

So the amendment was laid on the table.

Mr. Shanklin offered the following amendment:

Amend by inserting in the proper place, "one hundred and fifty" dollars for husband and wife, and fifty for each child under the age of fourteen, to the amount of three hundred dollars.

Mr. Humphreys moved to lay the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Shanklin and Spencer.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Chowning, Cowgill, Crawford, Davis, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Goudy, Hanna, Hays of White, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Humphreys, Hunt, Lavery, Lawrence, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, McConnell, McDonald, McDowell, Miller, Morris, Nelson, Owen, Porter, Reynolds, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stuart, Suit, Sumner, Sweet, Wells, Williams, and Wilson—58.

*Those who voted in the negative were,*

Messrs. Buskirk, Carpenter, Cockrum, Cromwell, English, Graham, Gunn, Helmer, Holman, Kent, King, Lewis, Manson, Mayfield, McAllister, Mudget, Ray, Schoonover, Scudder, Shanklin, Spencer, Stover, Struble, Taggart, Thompson, Torbet, Walker, Withers, and Mr. Speaker—29.

So the amendment was laid on the table.

Mr. Spencer moved to commit the bill to the Judiciary committee, with the following instructions:

To report a bill providing for a homestead exemption, to consist of real estate exclusively. Also a bill providing for the exemption of a reasonable amount of personal property to such as have no real estate.

Mr. Stuart moved the following amendment to the instructions:

To make the amount exempt from execution four hundred dollars.

Mr. Owen called a division of the question.

The question being first on committing the bill,

And being put,

The ayes and noes were demanded by Messrs. Spencer and Buskirk.

*Those who voted in the affirmative were,*

Messrs. Buskirk, Carpenter, Cockrum, English, Graham, Gunn, Helmer, Holladay of Parke, King, Lewis, McAllister, Porter, Schoon-

over, Scudder, Shanklin, Smith of Spencer, Spencer, Stanfield, Stevens, Stuart, Thompson, Walker, and Wells—23.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Chowning, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Goudy, Hanna, Hays of White, Henry, Hicks, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Humphreys, Hunt, Kent, Lavery, Lawrence, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McConnell, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Ray, Reynolds, Smith of Marion, Staton, Stover, Struble, Suit, Sumner, Sweet, Taggart, Torbet, Williams, Wilson, Withers, and Mr. Speaker—66.

So the bill was not so committed.

Mr. Barker moved to lay the bill on the table ;

And the question being put,

The ayes and noes were demanded by Messrs. Spencer and King.

*Those who voted in the affirmative were,*

Messrs. Barker, Buskirk, Carpenter, Cockrum, Cromwell, Davis, Donham, English, Foster, Graham, Gunn, Holliday of Blackford, Holman, King, Mayfield, McAllister, Ray, Schoonover, Shanklin, Spencer, Torbet, Walker, and Withers—23.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Chowning, Cowgill, Crawford, Dice, Donaldson, Doughty, Douthit, Eccles, Geddes, Goudy, Hanna, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Hostetter, Hudson, Huey, Humphreys, Hunt, Kent, Lavery, Lawrence, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, McConnell, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Reynolds, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Wells, Williams, Wilson, and Mr. Speaker—64.

So the bill was not laid on the table.

Mr. Nelson called the previous question.

Which was seconded by the House.

The question being, Shall the main question be now put?

It was decided in the affirmative.

The question being, Shall the bill be engrossed?

And being put,

The ayes and noes were demanded by Messrs. Nelson and Stover.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Brady, Bryant, Bulla, Chowning, Cowgill, Crawford, Dice, Donaldson, Doughty, Douthit, Eccles, Geddes, Goudy, Hanna, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Hostetter, Hudson, Huey, Humphreys, Hunt, Laverty, Lawrence, Lindsey of Fayette, Litchfield, Major, McConnell, McDonald, McDowell, Miller, Morris, Nelson, Owen, Porter, Reynolds, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Williams, and Wilson—55.

*Those who voted in the negative were,*

Messrs. Barker, Buskirk, Carpenter, Cockrum, Cromwell, Davis, Donham, English, Foster, Graham, Gunn, Hay of Clark, Holliday of Blackford, Holman, King, Lewis, Lindsay of Howard, Mayfield, McAllister, Ray, Schoonover, Scudder, Shanklin, Spencer, Taggart, Torbet, Walker, Wells, Withers, and Mr. Speaker—30.

So the bill was ordered to be engrossed.

No. 18. A joint resolution;

Was read a second time.

On motion by Mr. Humphreys,

The joint resolution was referred to a select committee of three.

Messrs. Humphreys, Cockrum, and Dobson were appointed said committee.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

**MR. SPEAKER:**

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the House of the corresponding number, and find the same correctly enrolled:

No. 98. An act authorizing the circuit courts of this State to try and determine indictments for felony on an enrolled copy thereof duly certified.

Whereupon, the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.

No. 93. A bill to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant ;

Was taken up.

The question pending being to recommit the bill to the committee on Swamp Lands with the following instructions of Mr. Nelson, to-wit :

To embrace a provision to reduce and graduate the price of appraisement of so much of said lands as shall remain unsold after the same shall have been offered for sale or subject to entry, for the term of one year, at one dollar and twenty-five cents per acre : *Provided*, that none of said lands shall be reduced below fifty cents per acre.

Also, to provide that no sale of said lands shall be made, until the mode and extent of the ditches or levees shall be agreed upon, together with a full description of said ditches or levees, and the estimate cost of the same shall have been filed in the office of the county auditor.

And, further to provide, that after said lands shall have been offered for sale, and not sold for a sufficient sum to let the contracts, it shall be lawful to let the same to any person who may be willing to receive in payment or part payment the lands, at the price for which the same may be purchased for cash : *provided*, said contract shall not be let at a higher price than the estimated cost filed in the auditor's office.

Mr. Cockrum moved that the further consideration of the bill be postponed until Friday next ;

Which motion did not prevail.

Mr. Stanfield moved to amend the instructions as follows, to-wit :

Strike out section 47, and insert the following :

In all cases where any person or persons may have deposited money with any of the registers and receivers of any of the land offices of the United States within this State, for the entry of any of the swamp lands under the law entitled "an act to provide for

defraying the expense of selecting the overflowed and swamp lands in the State of Indiana, and for other purposes," approved February 14th, 1851, it shall be the duty of the auditor of the county where such land is situated, upon the presentation of the certificate of the register and receiver of the land office where such money was deposited, stating the name or names of the depositor, the description of the land sought to be entered, and that said depositor was the first applicant for such land, to deliver to such person or persons a certificate stating that the person or persons therein named had entered the tract or tracts of land therein named, by making his or their deposit in the land offices of the United States, in pursuance of the act aforesaid, which shall be signed by the auditor officially; and said certificate shall entitle the holder thereof to a deed from the State, as in other cases mentioned in this act.

On motion by Mr. Lindsay of Howard,

The further consideration of the bill was postponed until Wednesday next, and made the special order of the day for that day at 2 o'clock.

A message from the Senate by Mr. Dunn, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives, that the Senate has appointed Messrs. Emerson and Niblack a committee of conference on the part of the Senate, to confer with a similar committee on the part of the House, in regard to the disagreement of the two houses on House bill No. 56, "an act making general provisions concerning courts of justice, and the powers and duties of judicial officers."

No. 95. A bill to provide for the enlargement of the Indiana Hospital for the Insane;

Was taken up.

The question being, shall the bill be engrossed?

Pending which,

On motion by Mr. Buskirk,

The bill was referred to the committee on Ways and Means.

Mr. Holman moved that the House adjourn.

Mr. Gibson suggested until 9 o'clock on to-morrow morning.

And the question being put, to adjourn until to-morrow morning 9 o'clock.

It was decided in the affirmative.



THURSDAY MORNING, 9 o'clock, }  
January 29, 1852. }

The House met.

The Journal of the preceding day was read.

Mr. Lavery from the joint committee on Enrolled Bills made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have compared engrossed joint resolution of the House No. 14, with the engrossed copy thereof and find the same correctly enrolled.

Whereupon, the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

The Speaker laid before the House the following communication from the President of the Madison and Indianapolis Railroad company:

OFFICE M. & I. RAILROAD CO. }  
MADISON, January 26, 1852. }

SIR:—In reply to a resolution of the House of Representatives furnished me on Friday last, I have the honor to annex a statement of the receipts and expenditures of the Madison and Indianapolis Railroad from 1845 to and including 1851, showing the net receipts:

1845—Receipts .....	\$60,053 48
Expenditures .....	47,415 64
Net .....	<u>\$12,637 84</u>
1846—Receipts .....	101,014 79
Expenditures .....	52,202 52
Net .....	<u>48,812 27</u>
1847—Receipts .....	156,653 24
Expenditures .....	91,669 45
Net .....	<u>64,983 79</u>

1848—Receipts .....	\$212,125	85
Expenditures .....	123,405	69
Net .....	94,063	57
1849—Receipts .....	247,920	34
Expenditures .....	138,682	81
Net .....	109,237	53
1850—Receipts .....	296,700	73
Expenditures .....	157,689	75
Net .....	139,010	98
1851—Receipts .....	391,742	01
Expenditures .....	228,922	98
Net .....	162,819	03

It is proper to remark, that the books for 1851 are not yet fully brought up. The statement for that year is but a trial balance, and may not prove correct. The expenditure account is likely to be increased, and the net increased. The receipts are believed to be correct.

The receipts for 1850 and 1851 are swelled by the transportation of materials and work done in the construction of other works, in the following amounts:

For 1850 .....	\$20,959	38
For 1851 .....	28,647	14

The annual report for the year 1851 has not yet been prepared, as the business transactions of the year have only been closed within the last few days.

Very respectfully your obedient serv't,

JOHN BROUGH,

*President M. & I. R. R. Company.*

HON. JOHN W. DAVIS,

*Speaker House of Representatives, Indianapolis, Ind.*

On motion by Mr. Brady,

The communication was laid on the table, and 150 copies ordered to be printed.

The Speaker laid before the House the following communication from the Secretary of the Board of Trustees of the Blind Institute:

INDIANAPOLIS, JANUARY 28, 1852.

HON. MR. LEWIS,  
*Chairman :*

DEAR SIR—Observing an inquiry lately referred to your committee, as to whether the treasurers of the benevolent institutions were required to give bonds, I have to state that Seton W. Norris, Esq., the treasurer of the trustees of the institute for the blind has never given bond, because he handles none of the funds which go from the Treasurer's office to the Branch Bank, where he is required by the trustees to have it kept to his official credit as treasurer, to be drawn only on allowances by the board of trustees.

Still, if it is deemed desirable, I presume we could readily receive a bond from Mr. Norris; although, as he is abundantly worth any amount entrusted to him, and neither he nor any of the trustees receive any compensation for services, it is asking more than we liked to, unless it was required by law.

Very respectfully,

JAMES M. RAY,  
*Secretary Board of Trustees.*

On motion by Mr. Brady,

The communication was referred to the committee on the Benevolent and Scientific Institutions.

#### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Gunn :

The memorial of sundry ladies and gentlemen of this State on the subject of temperance.

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Brady :

The petition of David and Nancy Burnett, asking authority to adopt a found child ;

Which,

On motion,

Was referred to a select committee of three.

Messrs. Smith of Marion, Brady and Schoonover were appointed said committee.

## REPORTS FROM COMMITTEES.

Mr. Behm, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred the petition of citizens of Van Buren township in Grant county, to change the name of said township to Jackson, have directed me to report that it would be unconstitutional to grant the prayer of said petition; said committee therefore recommend that said petition be laid upon the table. And they ask to be discharged from the further consideration of the subject, as it is presumed that said township if not already, will hereafter be incorporated, in which case the name can be changed, as provided for in the general law on that subject.

Which report was concurred in.

Mr. Gibson, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, who were instructed by a resolution of the House "to report a bill regulating, under proper restrictions, the descent or devise of property to alien friends, and giving to such alien friends a reasonable time in which either to become citizens of this State or dispose of the property so descended or devised to them," have authorized me to report the following bill and recommend its passage:

No. 118. A bill authorizing alien friends to take by descent or devise real estate and dispose of the same, and releasing to alien friends lands heretofore escheated to the State, and requiring such alien friends, within five years either to sell and convey said lands to citizens of this State, or remove themselves to this State, and declare their intention to become citizens of the United States; and providing for the appointment of guardians for such of such alien friends as may be minors, and authorizing such guardians to sell and convey such real estate;

Which was read a first time and passed to a second reading.

Mr. Stuart, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 17—"a bill to provide for the appointment of a reporter, and a speedy publication of the decisions of the supreme court, and for the compensation of such reporter"—together with the engrossed amendments of the Senate thereto, after a careful examination thereof, respectfully recommend that the first of said amendments be concurred in, with the following amendment, viz:

After the words "general election," in said first amendment, insert the words "in the year 1855, and every fourth year thereafter." Strike out all of said first amendment after the words "his office," where they last occur therein, and insert "until his successor shall be elected and qualified under the provisions of this act."

Said committee further recommend that the House refuse to concur in the other amendments of the Senate. They have not deemed it necessary to suggest the reason that might be urged in favor of said recommendations, as the reasons are obvious, and have already been considered to some extent by the House.

The question being on concurring in the report of the committee, Mr. McDonald moved to lay the report and bill upon the table.

And the question being put,

The ayes and noes were demanded by Messrs. McDonald and Behm.

*Those who voted in the affirmative were,*

Messrs. Chowning, Cockrum, Crawford, Cromwell, Doughty, Eccles, Goudy, Gunn, Hart, Helmer, Holman, Hunt, Kent, King, Laverty, Lawrence, McAllister, McDonald, Morris, Nelson, Owen, Porter, Ray, Schoonover, Scudder, Shanklin, Staton, Taggart, Wells, and Williams—30.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Cowgill, Dice, Dobson, Donaldson, Donham, Douthit, Foster, Geddes, Gibson, Graham, Hanna, Hay of Clark, Henry, Hicks, Holladay of Parke, Hostetter, Hudson, Huey, Humphreys, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, Mayfield, McConnell, McDowell, Miller, Mudget, Reynolds, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wilson, Withers, and Mr. Speaker—57.

So the report and bill were not laid on the table.

The question then recurred on concurring in the report of the committee.

Pending which,

On motion by Mr. Torbet,

The two resolutions relative to the grand jury system, were taken from the table.

The hour having arrived, the House proceeded to the consideration of the special order of the day on House bills

No. 21. A bill to limit the number of grand jurors, and to point out the mode of their selection, and repealing all laws inconsistent with this act.

No. 77. A bill providing for the selection, empanneling, compensation, and duty of grand juries.

No. 75. A bill to abolish the grand jury system.

House bill No. 21 was first considered.

Mr. Gibson moved to recommit bill No. 21 to the Judiciary committee with the following instructions:

Strike out from the enacting clause and insert the following:

SECTION —. The grand jury in each county shall consist of one juror from each civil township in such county.

SEC. —. The board of commissioners of each county shall, at some convenient time preceding each term of the circuit court in their county, select such jurors from the voters of such township.

SEC. —. If the board of commissioners shall fail to make such selection, or if any of those selected shall fail to attend, a grand jury shall be selected or vacancies filled by the sheriff, under the direction of the court.

SEC. —. No challenge to the array shall be allowed, or indictment be quashed for informality in their selection or empanneling of such grand jury.

SEC. —. It shall be the duty of such grand jury to take cognizance of all offences punishable by indictment, whenever the offender has been duly recognized to appear at such term and answer for any offence; or whenever such offence is charged before them on oath to have been committed; or whenever any number of such jury shall personally know of the commission of an offence, and in no other case or cases whatever.

SEC. —. Such jury may refuse to find a bill of indictment whenever, in their opinion, the ends of public justice do not require the same.

Mr. Donaldson moved to amend the instructions by limiting the number to seven.

Mr. Nelson offered the following amendment to the instructions of Mr. Donaldson :

*Provided*, That the number of jurors shall not exceed nine in number, seven to find a bill.

Which was accepted.

The instructions as amended were accepted by Mr. Gibson.

Mr. Holman offered the following amendment to the instructions of Mr. Gibson :

SEC. —. Whenever any person charged with a crime shall be committed to the jail of the county during a term of the court having jurisdiction of the offence, and the grand jury of such term shall have been discharged, it shall be competent for the court to arraign such defendant on affidavit.

Which was accepted.

Mr. Beeson moved to lay the instructions on the table ;

Which motion did not prevail.

The question recurred on recommitting the bill to the Judiciary committee, with the instructions of Mr. Gibson ;

And being put,

The ayes and noes were demanded by Messrs. Gibson and Smith of Spencer.

*Those who voted in the affirmative were,*

Messrs. Beane, Brady, Bryant, Bulla, Buskirk, Cowgill, Dice, Dobson, Donaldson, Eccles, Geddes, Gibson, Goudy, Graham, Hay of Clark, Helmer, Holladay of Parke, Holman, Hostetter, Hunt, Laverty, Lawrence, Lewis, Lindsey of Fayette, Litchfield, McConnell, McDonald, Nelson, Porter, Scudder, Shanklin, Spencer, Stanfield, Suit, Taggart, Thompson, Torbet, Watson and Williams—39.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beeson, Behm, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Donham, Doughty, Douthit, English, Foster, Gunn, Hanna, Hart, Hays of White, Henry, Hicks, Holliday of Blackford, Hudson, Huey, Humphreys, Kent, King, Leviston, Lindsay of Howard, Major, Manson, Mayfield, McAllister, McDowell, Miller, Morris, Mudgett, Owen, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Staton, Struble, Stuart, Sumner, Sweet, Walker, Wells, Wilson, Withers, and Mr. Speaker—50.

So the bill was not recommitting with the instructions.

Mr. Holman moved to recommit the bill with the following instructions :

To report a bill abolishing the grand jury, defining the duties of justices of the peace in criminal cases, and providing for the trial of defendants on affidavit or presentment.

The question being on recommitting the bill, with the instructions,  
And being put,

The ayes and noes were demanded by Messrs. Holman and Withers.

*Those who voted in the affirmative were,*

Messrs. Barker, Beeson, Donham, Douthit, Gibson, Graham, Hanna, Hart, Hays of White, Henry, Hicks, Holliday of Blackford, Holman, Humphreys, Kent, Leviston, Major, McDonald, Miller, Morris, Owen, Schoonover, Smith of Marion, Struble, Sumner, Sweet, and Wells—27.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Doughty, Eccles, English, Foster, Geddes, Goudy, Gunn, Hay of Clark, Helmer, Holladay of Parke, Hostetter, Hudson, Huey, Hunt, King, Laverty, Lawrence, Lindsey of Fayette, Lindsay of Howard, Litchfield, Manson, McAllister, McConnell, McDowell, Mudgett, Nelson, Porter, Ray, Reynolds, Scudder, Shanklin, Smith of Spencer, Spencer, Stanfield, Staton, Stuart, Suit, Taggart, Thompson, Torbet, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—62.

So the bill was not recommitted with the instructions.  
After some debate, the question was put,

Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Behm, Brady, Bulla, Chowning, Cockrum, Crawford, Donaldson, Donham, Doughty, Eccles, English, Foster, Graham, Gunn, Hanna, Hart, Hicks, Hudson, Huey, Humphreys, Kent, King, Lawrence, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Major, Manson, McAllister, McConnell, McDowell, Miller, Morris, Owen, Porter, Ray, Smith of Marion, Smith of Spencer, Spencer, Staton, Struble, Stuart, Walker, Williams, Wilson, Withers, and Mr. Speaker—51.



*Those who voted in the negative were,*

Messrs. Barker, Bryant, Buskirk, Carpenter, Cowgill, Cromwell, Dice, Dobson, Douthit, Geddes, Gibson, Goudy, Hay of Clark, Hays of White, Helmer, Henry, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hunt, Lavery, Litchfield, Mayfield, McDonald, Mudgett, Nelson, Reynolds, Schoonover, Scudder, Shanklin, Stanfield, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Watson, and Wells—40.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

On motion,

House bill No. 77 and 75 and the two resolutions in relation to grand jurors;

Were laid on the table.

The House resumed the further consideration of the report of the Judiciary committee on House bill No. 17.

The question being on concurring in the report of the committee.

Mr. Dobson moved to amend the report by striking out "1855" and insert "1854."

Which motion did not prevail.

The question recurring on concurring in the report of the committee.

And being put;

The ayes and noes were demanded by Messrs. Behm and Holman.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Brady, Buskirk, Foster, Hostetter, King, Lewis, Mayfield, McDonald, Nelson, Smith of Marion, Spencer, Stanfield, Stuart, Suit, Wells and Williams—18.

*Those who voted in the negative were,*

Messrs. Barker, Beeson, Behm, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hudson, Huey, Humphreys, Hunt, Lavery, Lawrence, Lindsay of Howard, Litchfield, Major, Manson, McAllister, McConnell, McDowell, Miller, Morris, Mudgett, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Spencer, Staton, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wilson, Withers and Mr. Speaker—66.

So the report of the committee was not concurred in.

The question then recurring on concurring in the amendments of the Senate.

On motion by Mr. Behm,

The amendments were acted upon separately.

The question being on concurring in the first amendment of the Senate.

Mr. Kent moved to concur in the amendment of the Senate with the following amendment :

Strike out "and the present General Assembly shall elect said Reporter, who shall hold his office until the next general election, and until his successor shall be elected and qualified."

Which motion did not prevail.

The question then being on concurring in the amendment of the Senate,

And being put :

The ayes and noes were demanded by Messrs. Behm and Kent.

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Beeson, Behm, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hay of Clark, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hudson, Huey, Humphreys, Hunt, Kent, King, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Manson, Mayfield, McConnell, McDowell, Morris, Mudget, Nelson, Porter, Ray, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Staton, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wilson, Withers, and Mr. Speaker—67.

*Those who voted in the negative were,*

Messrs. Brady, Bryant, Foster, Hays of White, Helmer, Holman, Hostetter, Major, McAllister, McDonald, Owen, Reynolds, Shanklin, Spencer, Stanfield, Torbet, Wells, and Williams—18.

So the amendment of the Senate was concurred in.

Ordered that the clerk inform the Senate thereof.

Mr. Barker moved that the House adjourn ;

Which motion did not prevail.

The question being on concurring in the second amendment of the Senate,

And being put ;

It was decided in the affirmative.

Ordered that the clerk inform the Senate thereof.

The question being on concurring in the third amendment of the Senate,

And being put ;

It was decided in the negative.

The question being on concurring in the fourth amendment,

And being put ;

It was decided in the affirmative.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Gibson,

The following message from the Senate was taken up :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following resolution :

*Resolved*, That the Senate will, the House concurring, adjourn *sine die* on the second Monday in February next, and that the Law Commissioners be informed of the adoption of this resolution, in order to enable them to report to this Legislature at an early day the result of their labors.

In which the concurrence of the House is respectfully requested.

Mr. Gibson moved to concur in the resolution of the Senate contained in the foregoing message, with the following amendment :

Strike out all after the resolving clause, and insert—

That from this time henceforth the Senate and House of Representatives will labor industriously at the legitimate business of State legislation, and will waste no more time in discussing the merits of the Mexican war, or any other subject not properly connected with their duties ; and so soon as the duties of the Legislature are discharged we will adjourn and not sooner.

Mr. Holman moved to lay the amendment on the table ;

And the question being put :

The ayes and noes were demanded by Messrs. Gibson and Behm.

*Those who voted in the affirmative were,*

Messrs. Carpenter, Holman, Hudson, Kent, Lawrence, Lindsay of Howard, Porter, Shanklin, Staton, Suit, Sumner, Thompson, Torbet, Watson, Wells, and Withers—16.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Dice, Dobson, Donaldson, Donham, Doughty, Donthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Huey, Humphreys, Hunt, King, Leviston, Lewis, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Ray, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Spencer, Struble, Stuart, Sweet, Taggart, Walker, Williams, Wilson, and Mr. Speaker—69.

So the amendment was not laid on the table.

Mr. Gibson called the previous question,

Which was seconded by the House.

The question being shall the main question be now put?

It was decided in the affirmative.

The question being on concurring in the resolution of the Senate with the amendment of Mr. Gibson,

It was decided in the affirmative.

On motion by Mr. Withers,

The House adjourned until two o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Wilson from the committee on engrossed bills made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined bill of the House No. 115, and find it correctly engrossed.

Mr. Lavery from the Joint committee on enrolled bills made the following report:

Mr. SENATE:

The Joint committee on enrolled bills have this day presented to the Governor, for his approval, enrolled bill of the House, numbered 98, also enrolled Joint resolution of the House, No. 14.

Mr. Stanfield, from the committee on the Judiciary made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 100, a bill to repeal a part of section second of an act relating to the office of auditor of Warrick county, have had the same under consideration, and have directed me to report that, without inquiring into the constitutionality of amending local laws by special legislation, it is the opinion of the committee that it is the true policy of the State, at the earliest practicable period, to supplant the local laws of the State now in force by general enactments, and not to perpetuate them by continued amendment; said committee therefore recommend the indefinite postponement of said bill, and ask to be discharged from the further consideration thereof.

Which report was concurred in and the bill indefinitely postponed.

On motion by Mr. Smith of Marion,

The vote taken, indefinitely postponing House bill No. 100, was reconsidered.

On motion by Mr. Holman,

The bill was laid on the table.

Mr. Beach, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred House bill No. 91, a bill for the repeal of an act entitled an act approved February 13, 1851, organizing a school district in Marshall county, have had the same under consideration, and have directed me to report the same back with the following amendments, and recommend the passage thereof.

Amendments proposed by the committee on the Judiciary to bill of the House No. 91:

Strike out the preamble and all after the enacting clause, and insert the following:

51 H

That an act entitled an act to create a school district in Marshall county, approved February 13, 1851, be and the same is hereby repealed.

Amend the title so as to read as follows:

A bill to repeal an act entitled an act to create a school district in Marshall county, approved February 13, 1851.

Which report was concurred in, the amendments adopted, and the bill ordered to be engrossed.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to whom was referred bill of the Senate, No. 63, entitled, a bill to regulate the issuing of executions and fee bills in the supreme court in cases upon which no execution or fee bill has issued for three years from the rendition of judgment, and where fees have not been collected for three or more years from the termination of the suit in which the same is taxed, have had the same under consideration, and have directed me to report the same back with the accompanying amendments, and recommend its passage.

Amendments proposed by the committee on the Judiciary to Senate bill No. 63:

Add after "supreme court," in the 4th line of the 1st section, "or other court of record."

Insert before "costs," in the 23d line of the first section "judgment or."

Insert after "believers," in the 24th line of the first section, "in whole or in part."

Insert after "collecting," in the 27th line of the first section, "a judgment or."

Strike out "the aforesaid," in the 5th line of the 2d section, and insert, "in any such."

Insert after "thereafter," in the 9th line of the 2d section, "be issued."

Strike out the 3d section.

Amend the title by inserting after "supreme court," the words, "or other court of record."

Which report was concurred in, the amendments adopted, and the bill ordered to a third reading.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

MR. SPEAKER :

The committee on the Judiciary to whom was referred House bill No. 3, "a bill to regulate the mode of proceeding against the White Water Valley Canal Company, for failing to build, repair and keep up bridges," with instructions to make the provisions of the bill general, recommend that said bill be stricken out from the enacting clause and the accompanying new bill be inserted in lieu thereof, the passage of which is respectfully recommended.

Amendments proposed by the committee on the Judiciary to House bill No. 3.

Strike out from the enacting clause and insert the following:

SEC. 1. That whenever, by virtue of any law of this State, it shall be the duty of any canal company to construct, build, re-build, or repair any bridge, across the canal of such company at those points where such canal crosses any State or county road, or street of any town, or to supply the place of such bridge across the same as have fallen down or floated away, and it shall become necessary to bring a suit against such company for failing to construct, build, re-build, repair or supply any such bridge, the suit may be brought, in the circuit court of the county in which the road or street is and in which the bridge should have been constructed, built, re-built, repaired or supplied; and the process may be issued against such company to and served upon it in the county in which the president of such company may reside or be found, or in which the officer upon whom it is necessary to serve process may reside or be found.

SEC. 2. When the suit is brought against such company for failing to construct, build, re-build, or repair or keep up, or supply the place of a bridge across a State or county road, the suit shall be brought in the name of the Board of Commissioners of the county in which the road is, where the bridge should have been constructed, built, or re-built or kept in repair; and when the suit is brought for failing to construct, build, or re-build or repair a bridge at a place where such canal is crossed by the street of a town, such suit shall and may be brought by the corporate authorities of such town in the corporate name of said town.

SEC. 3. The proceeds of any judgment that may be obtained against such company for failing to construct, build, re-build or keep in repair any bridge, shall be applied to the construction, building, re-building, or repairing of the bridge that the company ought to have constructed, built, re-built or repaired.

SEC. 4. If such company has failed to comply with the duty as to

constructing, building, rebuilding or keeping in repair the bridges aforesaid, it is hereby made the duty of the several boards of county commissioners, and town authorities, to cause the proper suit to be instituted.

Amend the title of said bill so as to read as follows:

“A bill to regulate the mode of proceeding against canal companies for failing to construct, build, re-build, repair or supply bridges at such places across such canal as said canal crosses any State or county road, or street of a town.”

Which report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Owen, chairman of the committee on Education, made the following report:

The committee on Education, to whom was referred bill of the House No. 64, entitled “A bill to establish public libraries,” have had the same under consideration, and have instructed me to report the same back, with a recommendation that the 14th section thereof, being unconstitutional, be stricken out. And thus amended, they recommend its passage.

Which report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Owen, chairman of the committee on Education, made the following report:

The committee on Education, to whom was referred a resolution instructing them to inquire into the expediency of passing an act making it obligatory on parents and guardians to send children to school a certain number of years, have had that subject under consideration, and have instructed me to report that, in their opinion, it is inexpedient to legislate thereon. And they ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Owen, chairman of the committee on Education, made the following report:

**MR. SPEAKER:**

The committee on Education, to whom was referred a resolution relative to the unsold Saline lands, in the counties of Washington, Brown and Orange, have ascertained that all of the Saline lands in Washington and Brown counties, have already been sold; and that in Orange county, about five thousand acres of the said lands remain unsold. For the sale of the said unsold lands in Orange county, the committee have instructed me to report a bill.



No. 119. A bill providing for the sale of the Saline lands in Orange county;

Which was read a first time and passed to a second reading.

Mr. Thompson, from the committee on Agriculture, made the following report:

**MR. SPEAKER:**

The committee to whom was referred a resolution of the House on the subject of levying a tax upon dogs, have had the same under consideration, and have directed me to report the same inexpedient, and ask to be discharged from further consideration of the subject.

Which report was concurred in.

Mr. Leviston, chairman of the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee on Corporations, to which was recommitted bill No. 59—for the incorporation of railroad companies—have had the same under consideration, and have directed me to report the same back with the following amendment, and when so amended recommend its passage:

SEC. —. That all stock subscribed that may become forfeited by the provisions of the eleventh section of said act, the subscriber of such stock so forfeited, shall be held liable to all creditors of such railroad company for the full amount of their stock subscribed and unpaid at the time such stock become forfeited, with interest thereon; but any stock so forfeited may be redeemed within sixty days from the time such stock is declared forfeited, by the subscriber of such stock paying up all arrearages due on such stock.

Which report was concurred in, and the amendment adopted.

Mr. Stuart offered the following amendment:

Strike out in the 18th section, in the 36th line, all after the word "lands."

Also, strike out in the 20th section, in the 1st line, all after the word "title," to the word "such" in the 8th line.

On motion by Mr. King,

The further consideration of the bill was postponed until Tuesday the 10th of February, and made the special order of that day at 10 o'clock.

Mr. Leviston, chairman of the committee on Corporations, made the following report :

MR. SPEAKER :

The committee on Corporations, to whom was referred bill No. 109—in relation to re-locating the seat of justice of Fountain county—have had the same under consideration, and have directed me to report the same back to the House without amendment, believing that no general law on that subject can be made applicable to the case in said bill specified. The committee respectfully ask to be discharged from the further consideration of this subject.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Torbet moved to reconsider the vote taken ordering House bill No. 109 to be engrossed ;

Which motion did not prevail.

#### RESOLUTIONS OF THE HOUSE.

On motion by Mr. McDonald,

*Resolved*, That the Judiciary committee be instructed to inquire into the constitutionality of a provision granting to the boards of commissioners generally the power to prohibit, by order of the board of commissioners, the running at large of hogs, sheep and all other kinds of stock ; and, if unconstitutional, then whether local legislation, by passing a law applicable to certain counties, or to a county, as to such matter, would not be constitutional, and report as soon as possible.

On motion by Mr. Mayfield,

*Resolved*, That the Auditor of State be requested to furnish to this House, as soon as possible a statement of the amount expended by the State upon each of the public works embraced in her internal improvement system, the amount received by the State for tolls or on the sale or other disposition of each of said works, and the condition and amount received by the State from tolls or otherwise, from such works as still remain the property of the State.

Mr. Reynolds offered the following resolution :

*Resolved*, That the Law Reform Commissioners be each furnished

by the Door-keeper of this House with a copy of the daily papers taken by this House during the continuance of this session.

Which was not adopted.

On motion by Mr. Cromwell,

*Resolved*, That the committee on the Judiciary be instructed to enquire and report to the House whether in the opinion of the committee a special act to provide for the changing the location of the county-seat in Clay county, the county buildings having been recently destroyed by fire would be constitutional.

On motion by Mr. Withers,

*Resolved*, That the committee on the Judiciary enquire into the expediency of requiring all persons who are in office on the first day of November last, and who are required to take an oath to support the present constitution, to file with the proper officer or officers certified copies of such oaths.

On motion by Mr. Major,

*Resolved*, That the President of the Board of Commissioners of the Indiana Hospital for the Insane be requested to furnish this House with a statement of the number and names of persons employed in said Institution, the duties assigned to each, and salaries and wages paid to each annually, also a statement of the indebtedness of the Institution at the close of the last year, and the probable current expense of maintaining the Institution for the present year.

On motion by Mr. Major,

*Resolved*, That the President of the Board of Trustees of the Asylum for educating the Deaf and Dumb, be requested to report to this House, the number and names of persons employed in said Institution the duties assigned to each, and the salaries and wages paid to each annually, also the indebtedness of the Institution at the close of the last year and the probable current expense of maintaining the Asylum for the present year.

Mr. Brady in pursuance of previous notice introduced,

No. 19. A Joint resolution to authorize the renting of the House on the Governor's Circle.

Which was read a first time and passed to a second reading.

By unanimous consent of the House Mr. Torbet made the following report from the committee on Ways and Means.

MR. SPEAKER:

The committee on Ways and Means to whom was referred the petition of sundry citizens of Franklin county on the subject of the destruction of sheep, by dogs, have had that subject under consideration and have instructed me to report the accompanying bill and recommend its passage.

No. 120. A bill for the protection of wool growers,  
Which was read a first time and passed to a second reading.

Mr. Lindsay of Howard moved to take from the table Senate bill No. 58, an act providing for the districting of the State of Indiana into Congressional districts.

And place it on the files of the House.

The question being put?

The ayes and noes were demanded by Messrs. Mudget and English.

*Those who voted in the affirmative were,*

Messrs. Behm, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Dice, Dobson, Donham, Eccles, English, Geddes, Goudy, Hay of Clark, Hays of White, Holman, Huey, Humphreys, Leviston, Lewis, Lindsay of Howard, McDonald, McDowell, Miller, Morris, Nelson, Porter, Ray, Shanklin, Spencer, Stanfield, Staton, Struble, Suit, Sumner, Taggart, Thompson, Torbet, Watson, Wells, Williams, Wilson, and Mr. Speaker—43.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Cockrum, Cromwell, Doughty, Douthit, Foster, Graham, Hanna, Hart, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Hunt, Kent, King, Laverty, Lindsey of Fayette, Litchfield, Major, Mayfield, McConnell, Mudget, Owen, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stuart, Sweet, Walker, and Withers—41.

So the bill was taken from the table and placed upon the files of the House.

On motion by Mr Buskirk,

No. 104. A bill to regulate the mileage of sheriffs in conveying convicts to the State prison, and of county treasurers in making deposits, &c.

Was taken from the table and placed upon the files of the House.

A message from the Senate, by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House :

No. 28. Entitled, an act to repeal the eleventh, twelfth, and thirteenth sections of an act to amend an act entitled an act to amend the act entitled an act to incorporate the city of Fort Wayne, and all acts and parts of acts amendatory thereto.

Also, that the Senate has passed the following engrossed bill of the House :

No. 92. Entitled, an act relative to arbitrations and umpirages.

#### HOUSE BILLS ON THIRD READING.

No. 89. A bill in relation to the officers and soldiers of Indiana who served in the war with Mexico.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Beeson, Brady, Bryant, Buskirk, Chowning, Crawford, Dice, Dobson, Donham, Doughty, Eccles, English, Foster, Geddes, Gibson, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Huey, Humphreys, Kent, King, Leviston, Lindsey of Fayette, Lindsay of Howard, Manson, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, and Mr. Speaker—61.

*Those who voted in the negative were,*

Messrs. Behm, Carpenter, Cockrum, Cowgill, Cromwell, Donaldson, Douthit, Goudy, Graham, Gunn, Helmer, Hostetter, Hudson, Hunt, Lavery, Litchfield, Major, Mayfield, McDonald, Shanklin, Staton, Williams, Wilson, and Withers—24.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 112. A bill to authorize the formation of companies for the

detection and apprehension of horse thieves, and other felons, and defining their powers.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Humphreys, Hunt, King, Laverty, Leviston, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McConnell, McDonald, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson and Withers—78.

*Those who voted in the negative were,*

Messrs. Holman, Stanfield and Mr. Speaker.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Stuart,

The House adjourned.

FRIDAY MORNING, 9 o'clock, }  
January 30, 1852.

The House met.

The clerk proceeded to read the journal of yesterday.

Mr. Graham moved to suspend the further reading thereof.  
Which motion did not prevail.

The journal was then read.

The Speaker laid before the House the following communication from the President of the Madison and Indianapolis Railroad company :

INDIANAPOLIS, INDIANA, }  
January 29, 1852. }

SIR:—In compliance with a resolution of the House of Representatives furnished me on Wednesday, I have the honor to communicate the following facts:

The capital stock of the Madison and Indianapolis Railroad Company, on the first day of January, 1846, was \$184,666 46. The capital on the first day of January, 1852, was \$1,650,000.

This stock has been issued for the construction and equipment of the road,—the improvement of the Madison plane,—the substitution of heavy iron for flat rail,—the purchase of real estate, and erection of business houses. It embraces two stock dividends made to the stockholders, to cover earnings of the road, donations to it, and other current revenues used in construction.

I have not a copy of the pamphlet referred to in the resolution, or I would cheerfully communicate it to the House.

I have the honor to be,

Very respectfully,

Your obedient servant,

JNO. BROUGH,

*President M. & I. R. R. Co.*

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives, Indianapolis.*

On motion by Mr. Brady,

The communication was laid on the table, and 150 copies ordered to be printed.

The Speaker asked leave of absence for his colleague, Mr. Chowning, on account of sickness in his family.

Which was granted.

On motion by Mr. Manson,

Leave of absence was granted Mr. Stover, on account of sickness.

On motion by Mr. Wells,

Leave of absence was granted to Mr. Huffstetter, on account of sickness.

## PETITIONS AND MEMORIALS PRESENTED.

By Mr. Leviston:

The petition of sundry citizens of this State, on the subject of the salaries of State officers;

Which,

On motion,

Was referred to the committee of Ways and Means.

By Mr. Donaldson:

A memorial of 959 citizens of this State, on the subject of temperance;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Beane:

The petition of sundry citizens of Elkhart county, in reference to the re-appraisement of real estate in said county;

Which,

On motion,

Was referred to the committee on Ways and Means.

By Mr. Carpenter:

The memorial of 206 citizens of this State, on the subject of temperance;

Which,

On motion,

Was referred to the committee on Temperance.

## REPORTS FROM COMMITTEES.

Mr. Owen, chairman of the committee on Education, made the following report:

The committee on Education, to whom was referred a resolution of the House instructing them to inquire into the expediency of providing for the application of the entire fund commonly known as the University fund, to the endowment of a "Normal School," in which, under proper restrictions, instruction shall be free to such males and females of this State as shall desire an education with the view of becoming teachers of common schools, have had that subject under consideration, and have instructed me to report a bill.

They also report back, for the action of the House, the report on the subject of the proper application of the University fund heretofore made by them, and ask to be discharged from the further consideration of the subject.



No. 121. A bill to establish a Normal department of Indiana University, for the education, free of charge, of male and female teachers of common schools.

Which was read a first time, and passed to a second reading.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the House of the corresponding number, and find the same correctly enrolled :

No. 28. An act to repeal the 11th, 12th, and 13th sections of an act to amend an act entitled an act to amend the act entitled an act to incorporate the city of Fort Wayne, and all acts and parts of acts amendatory thereto.

Whereupon, the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

Mr. Nelson from the committee on Agriculture, made the following report :

MR. SPEAKER :

The committee to whom was referred bill No. 68—for the formation of agricultural societies and the encouragement of agriculture—have had the same under consideration, and directed me to report the following amendment to said bill, and recommend its passage :

Strike out all after the enacting clause, and insert the following :

An act for the encouragement of Agriculture.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever thirty or more persons, residents of any county or district embracing two counties of this State, shall organize themselves into a society for the improvement of agriculture within said county or district, and shall have adopted a constitution and by-laws, agreeably to the rules and regulations to be furnished by the Indiana State Board of Agriculture, and shall have appointed the usual and proper officers, and when said society shall have raised and paid to their treasurer, by voluntary subscription, or by fees imposed upon its members, any sum of money not less than fifty dollars, and whenever the president of said society shall certify to the respective county auditors the amount thus paid, attested by the oath or affirmation of the treasurer before a magistrate, it shall be the duty of said county auditors embraced within the district in which such society shall be organized, to draw an or-

der on the treasurer of his respective county in favor of the president and treasurer of said society, for whatever amount of funds there shall have been received during the previous year, for all licenses issued to persons exhibiting menageries, circuses, or theatrical performances, or other shows: *Provided*, said order shall not exceed the amount raised and paid in by said society by voluntary subscriptions or fees; and it shall be the duty of the treasurer of said county to pay the same.

SEC. 2. That it shall be the duty of the several county or district societies, which may be formed under the provisions of the preceding section, during the continuance of this act, annually, to offer and award premiums for the improvement of soils, tillage, crops, manures, improvements, stock, articles of domestic industry, and such other articles, productions and improvements as they may deem proper and may perform all such acts as they may deem best calculated to promote agricultural and household manufacturing interests of the district and of the State; and it shall also be their duty so to regulate the amount of premiums and the different grades of the same, as that it shall be competent for small as well as large farmers to have an opportunity to compete therefor; and in making their awards, special reference shall be had to the profits which may accrue, or be likely to accrue from the improved mode of raising the crop, or of improving the soil, or stock, or of the fabrication of the articles thus offered, with the intention that the premiums shall be given for the most economical mode of improvement; and all persons offering to compete for premiums on improved modes of tillage, or the production of any crop or other articles, shall be required, before such premium is adjudged, to deliver to the awarding committee a full and correct statement of the process of such mode of tillage, or production, and the expense and value of the same, with a view of showing accurately the profits derived, or expected to be derived therefrom.

SEC. 3. It shall be the duty of each county or district society to publish, annually, a list of the awards, and an abstract of the treasurer's account, in a newspaper of the district, and to make a report of their proceedings during the year, and synopsis of the awards for improvements in agriculture and household manufactures, together with an abstract of the several descriptions of those improvements, and also make a report of the condition of agriculture in their county or district, which report shall be made out in accordance with the rules and regulations of the Indiana State Board of Agriculture, and shall be forwarded to the State Board at their annual meeting in January of each year, and no subsequent payment shall be made from the county treasury unless a certificate is presented to the auditor from the secretary of the State Board, showing that such reports have been made.

SEC. 4. The State Board, as at present constituted and organized, is hereby created a body corporate, with perpetual succession in the

manner hereinafter described, under the name and style of the "Indiana State Board of Agriculture."

SEC. 5. It shall be the duty of the State Board to appoint a President, Secretary, and Treasurer, and such other officers as they may deem necessary. The president shall have power to call meetings of the Board whenever he may deem it expedient.

SEC. 6. There shall be held, in the city of Indianapolis, on the first Thursday after the first Monday in January, an annual meeting of the Indiana State Board of Agriculture, together with the president of each county agricultural society, or other delegate therefrom, duly authorized, who shall, for the time being, be *ex officio* members of the State Board, for the purpose of deliberation and consultation as to the wants, prospects, and condition of the agricultural interest throughout the State; and at such annual meeting the several reports from the county societies shall be delivered to the President of the Indiana State Board of Agriculture; and the said president and delegates shall at this meeting elect suitable persons to fill all vacancies in said Board: *Provided, however,* That said election shall not affect the members of the Board present, whose term shall not be considered to expire until the last day of said session.

SEC. 7. It shall be the duty of said Board to make an annual report to the General Assembly of the State, of the receipts and expenditures of the Board, together with such proceedings of the State Board, and reports from county agricultural societies, as well as a general view of the condition of agriculture throughout the State, accompanied by such recommendations as they may deem interesting and useful.

SEC. 8. That the Indiana State Board of Agriculture shall have power to hold State Fairs at such times and places as they may deem proper and expedient, and have the entire control of the same, fixing the amount of the various premiums offered, embracing every article of science and art, or such portions of them as they may deem expedient and proper, calculated to advance the interest of the people of the State. They may employ assistants, receive contributions, donations, &c., and unite with a county or district society for the purpose of defraying the expenses of said State Fairs.

SEC. 9. The State Board of Agriculture shall certify to the Auditor of State, the ordinary expenses of the Board *proper*, including the necessary personal expenses of their attendance on not more than two meetings in any one year. The Auditor shall audit the same, and on his warrant the Treasurer of State shall pay the same out of any money appropriated for agricultural purposes.

SEC. 10. All laws conflicting with the provisions of this act be, and the same are hereby repealed.

Mr. Doughty moved to lay the bill and amendment on the table, and print.

Which motion did not prevail.

The question being on concurring in the amendment reported by the committee;

And being put,

It was decided in the affirmative.

The bill, as amended, was then ordered to be engrossed.

Mr. Dobson, from the committee on the organization of courts of justice, made the following report:

**MR. SPEAKER:**

The committee on the organization of courts of justice, to whom was referred a resolution of the House requiring them to report a bill for the organization of county boards, have had the same under consideration, and have directed me to report the following bill, and respectfully recommend its passage.

No. 122. A bill to provide for the organization of county boards, and defining their powers and duties;

Was read a first time, and ordered to a second reading.

Mr. Stuart, from the committee on the organization of courts of justice, made the following report:

**MR. SPEAKER:**

The committee on the Organization of Courts have instructed me to report the following bill, and respectfully recommend its passage.

No. 123. A bill to establish circuit courts, and define the powers and duties of the judges and officers of such courts.

Which was read a first time and passed to a second reading.

On motion of Mr. Smith of Marion,

The report of the Judiciary committee containing bill

No. 100. A bill to repeal a part of section two of an act relative to the office of auditor in Warrick county, approved January 19, 1850,

Was taken from the table.

On motion by Mr. Lewis,

The bill was indefinitely postponed.

A message from the Governor, by Mr. King, executive messenger:

**MR. SPEAKER:**

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 13. A joint resolution instructing our Senators and requesting our representatives in Congress to procure the site for a National Armory on the waters of the Ohio River, at Evansville within the State of Indiana.

No. 98. An act authorizing the circuit courts of this State to try and determine indictments for felony on an enrolled copy thereof duly certified.

No. 14. A joint resolution in relation to constructing a canal around the Falls of the Ohio river.

Which bills originated in the House.

#### RESOLUTIONS OF THE HOUSE.

Mr. Owen offered the following resolution :

*Resolved*, That the Senate be respectfully requested to return to this House a resolution on the subject of adjournment, heretofore passed by the Senate, together with the amendment to the same passed by this House.

Which was not adopted.

Mr. McDowell offered the following resolution :

*Resolved*, That the committee on Temperance be instructed to report a bill providing that no person shall have license to retail ardent spirits or intoxicating liquors of any kind, unless such person produce to the board of commissioners a petition signed by a majority of all the voters in the town or township where the applicant seeks to be licensed, and that such applicant shall prove by a disinterested witness the signatures to such petition.

Which was not adopted.

On motion by Mr. Smith of Spencer,

*Resolved*, That the committee on the Judiciary be instructed to inquire and report immediately whether any person can, under our constitution, hold two offices of emolument, and in what case this may be done.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No 116. A bill to establish at the seat of government, Law and Medical branches of the State University.

Was read a second time.

Mr. Holman offered the following amendments:

Amend the first section as follows:

Strike out the words, "trustees of the Indiana University," and insert, "Auditor and Treasurer of State."

Strike out the word "trustees," where it occurs in the second and third sections, and insert, "Auditor and Treasurer," in both sections.

Strike out the fourth, fifth, and sixth sections and insert the following section:

SEC. —. The net proceeds of said lots shall constitute a part of the common school fund of the State, and shall be applied to the purpose of common schools, in such manner as shall be prescribed by law.

Strike out the words, "for the use of Indiana University," where the same occurs in the seventh section, and insert, "and shall be deposited in the office of the Treasurer of State."

Strike out the eighth section.

Mr. Brady moved that the bill, and pending amendments be indefinitely postponed.

Mr. Stuart moved to lay the bill and amendments on the table, and print;

Which motion did not prevail.

After some debate,

On motion by Mr. Holman,

The bill and pending amendments were laid on the table, and ordered to be printed.

Mr. Doughty moved to reconsider the vote by which the House refused to adopt the resolution offered by Mr. Owen this morning;

And the question being put;

The ayes and noes were demanded by Messrs. Gibson and Doughty.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beeson, Brady, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Dobson, Donaldson, Donham, Doughty, Eccles, Geddes, Graham, Hicks, Holman, Hostetter, Hudson, Humphreys, Kent, Leviston, Lewis, Lindsay of Howard, Mayfield, McAllister, Morris, Owen, Ray, Schoonover, Scudder, Shanklin, Staton, Stuart, Stanfield, Taggart, and Torbet—37.

*Those who voted in the negative were,*

Messrs. Beane, Behm, Crawford, Cromwell, Davis, Dice, Douthit,

English, Foster, Gibson, Goudy, Gunn, Hanna, Harrison, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holladay of Parke, Holliday of Blackford, Huey, Hunt, Lavery, Litchfield, Major, McConnell, McDonald, McDowell, Miller, Mudgett, Nelson, Porter, Reynolds, Smith of Marion, Smith of Spencer, Spencer, Struble, Suit, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—49.

So the vote was not reconsidered.

No. 117. A bill in relation to partition fences, and for the recovery of fences constructed on the lands of another through mistake ;

Was read a second time.

On motion by Mr. Wells,  
The bill was referred to the committee on Agriculture.

No. 115. A bill to exempt property from sale in certain cases ;  
Was read a third time.

Mr. Cockrum moved to commit the bill to the Judiciary committee, with the following instructions :

Insert in the proper place—" All other exemptions of property or money heretofore exempted in law are hereby repealed."

Mr. Scudder moved to amend the instructions as follows :

" That nothing in this act shall be so construed as to debar the creditor from collecting a claim due him from any debtor ; *provided* said creditor makes proof that he owns less property than the said debtor ; *and provided, also*, that the said debtor shall be secured in the amount of \$150 worth of property.

The question being on the adoption of the amendment of Mr. Scudder to the instructions of Mr. Cockrum,

And being put,

The ayes and noes were demanded by Messrs. Scudder and Holman.

*Those who voted in the affirmative were,*

Messrs. Brady, Buskirk, Carpenter, Cockrum, Cromwell, Dobson, English, Gibson, Graham, Hart, Hay of Clark, Helmer, Hicks, Holliday of Blackford, Holman, Kent, Leviston, Lewis, Lindsay of How-

ard, Manson, Mayfield, McAllister, Schoonover, Scudder, Shanklin, Spencer, Suit, Thompson, Torbet, Walker, Wells, Williams, Withers, and Mr. Speaker—34.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Bryant, Cowgill, Crawford, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Goudy, Gunn, Hanna, Harrison, Hays of White, Henry, Holladay of Parke, Hostetter, Hudson, Huey, Humphreys, Hunt, Lavery, Litchfield, Major, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Smith of Marion, Smith of Spencer, Stanfield, Staton, Struble, Stuart, Sumner, Sweet, Taggart, Watson, and Wilson—52.

So the amendment to the instructions was not adopted.

The question then recurred on committing the bill to the Judiciary committee, with the instructions of Mr. Cockrum.

And being put,

It was decided in the negative.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Cowgill, Crawford, Dice, Donaldson, Doughty, Douthit, Eccles, Geddes, Goudy, Hanna, Harrison, Hart, Hays of White, Henry, Hicks, Holladay of Parke, Holman, Hostetter, Hudson, Huey, Humphreys, Hunt, Kent, Lavery, Leviston, Litchfield, Major, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Smith of Marion, Smith of Spencer, Stanfield, Staton, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Watson, Williams, and Wilson—58.

*Those who voted in the negative were,*

Messrs. Barker, Carpenter, Cockrum, Cromwell, Donham, English, Foster, Gibson, Graham, Gunn, Hay of Clark, Helmer, Holliday of Blackford, King, Lewis, Lindsay of Howard, Manson, Mayfield, McAllister, Ray, Schoonover, Scudder, Shanklin, Spencer, Taggart, Walker, Wells, Withers, and Mr. Speaker—29.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.



## SENATE BILLS ON SECOND READING.

No. 58. A bill providing for districting the State of Indiana into Congressional districts.

The question being on ordering the bill to a third reading;

Mr. Stuart moved to refer the bill to a committee of one from each Congressional district.

Mr. Mudget moved to amend the motion by adding, at the proper place,

"That said committee be designated by a majority of the members from each Congressional district."

And the question being put,

It was decided in the negative.

The question then recurred on referring the bill to a committee of one from each Congressional district.

Mr. Suit called the previous question,

Which was not seconded by the House.

The question then recurred on referring the bill to a select committee of one from each Congressional district.

Mr. Mudget moved to amend the motion to refer, with the following instructions, viz:

So to amend the bill that the counties of Madison, Hamilton, Howard, Tipton, Grant, Wabash, Huntington, Wells, Adams, Jay, and Blackford, shall constitute the 9th district.

The counties of Allen, Whitley, Noble, De Kalb, Steuben, La-grange, Elkhart, and Kosciusko, shall constitute the 10th district.

The counties of Miami, Cass, Fulton, Marshall, St. Joseph, Laporte, Porter, Lake, Stark, Pulaski, Jasper, White, and Benton, shall constitute the 11th district.

Mr. Holman moved to amend the instructions of Mr. Mudget by striking out Switzerland county from the 3d Congressional district, and add it to the fourth.

Which motion did not prevail.

The question then being to amend the motion of Mr. Stuart, by adding the instructions of Mr. Mudget;

Mr. Hudson moved to amend the instructions of Mr. Mudget, by striking out Monroe from the 7th Congressional district, and place it any where else.

Mr. Gibson called the previous question,

Which was seconded by the House.

The question being, Shall the main question be now put?

The ayes and noes were demanded by Messrs. Mudget and Holman.

*Those who voted in the affirmative were,*

Messrs. Barker, Beeson, Behm, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Eccles, English, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hay of Clarke, Hicks, Hudson, Huey, Humphreys, Lavery, Lindsay of Howard, Major, Mayfield, McDonald, McDowell, Morris, Nelson, Owen, Scudder, Smith of Spencer, Stanfield, Staton, Suit, Sumner, Walker, Wells, Williams, Wilson, and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Douthit, Foster, Harrison, Hart, Hays of White, Helmer, Henry, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hunt, Kent, Leviston, Lewis, Litchfield, Manson, McAllister, McConnell, Miller, Mudget, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Spencer, Struble, Stuart, Sweet, Taggart, Thompson, Torbet, Watson, and Withers—38.

So the main question was ordered to be put.

The main question being shall the bill be ordered to a third reading?

And being put,

The ayes and noes were demanded by Messrs. Mudget and English.

*Those who voted in the affirmative were,*

Messrs. Beeson, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Dice, Dobson, Donham, Eccles, English, Geddes, Gibson, Goudy, Graham, Gunn, Harrison, Hay of Clark, Hicks, Huey, Humphreys, Kent, Lavery, Lewis, Lindsay of Howard, Major, Manson, McDowell, Morris, Nelson, Scudder, Shanklin, Smith of Spencer, Staton, Struble, Suit, Taggart, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker—44.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Cromwell, Davis, Donaldson, Doughty, Douthit, Foster, Hanna, Hart, Hays of White, Helmer, Henry, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Hunt, Leviston, Litchfield, Mayfield, McAllister, McConnell, McDonald, Miller, Mudget, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Spencer, Stanfield, Stuart, Sumner, Sweet, Thompson, Torbet, and Watson—42.

So the bill was ordered to a third reading on to-morrow.

On motion by Mr. Doughty,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

By unanimous consent of the House Mr. King presented three petitions from sundry citizens of this State in reference to the assessment law.

Which,

On motion,

Was referred to the committee on Ways and Means.

On motion by Mr. Lindsay of Howard,

The vote taken on the passage of House bill No. 89—a bill in relation to the officers and soldiers of Indiana, who served in the war with Mexico—was reconsidered.

The question then being, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Cockrum, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Humphreys, Hunt, Kent, King, Laverty, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—84.

Mr. Cowgill voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

## HOUSE BILLS ON SECOND READING.

No. 118. A bill authorizing alien friends to take by descent or devise real estate and dispose of the same, and releasing to alien friends lands heretofore escheated to the State, and requiring such alien friends, within five years either to sell and convey said lands to citizens of this State, or remove themselves to this State, and declare their intention to become citizens of the United States; and providing for the appointment of guardians for such of such alien friends as may be minors, and authorizing such guardians to sell and convey such real estate;

Was read a second time.

On motion by Mr. Wells,  
The bill was laid on the table, and ordered to be printed.

No. 119. A bill providing for the sale of saline lands in Orange county;

Was read a second time.

On motion by Mr. Stanfield,  
The bill was referred to the committee of Ways and Means.

No. 120. A bill for the protection of wool-growers;

Was read a second time and ordered to be engrossed.

No. 19. A joint resolution to authorize the renting of the House on the Governor's Circle;

Was read a second time.

Mr. Spencer moved to refer the bill to the committee of Ways and Means.

Mr. Gibson moved to change its reference to the Judiciary committee, with instructions to inquire into its constitutionality;

Which was accepted by Mr. Spencer.

The question being put on referring the bill with the instructions,  
It was decided in the affirmative.

No. 104. A bill to regulate the mileage of sheriffs in conveying convicts to the State Prison, and of county treasurers in making deposits, and in their settlements with the Treasurer and Auditor of State;

Was read a second time.

On motion by Mr. Buskirk,

The bill was referred to a select committee of one from each judicial circuit.

Messrs. Buskirk, Suit, Wells, Spencer, Barker, Eccles, Morris, Hostetter, Lindsay of Howard, Beane, Reynolds, Sweet, and Withers were appointed said committee.

On motion by Mr. Stanfield,

House bill No. 82. A bill to enable the Madison and Indianapolis rail road company to avoid the inclined plane at Madison,—to provide for the sale of the interest of the State in said rail road, and to repeal, so far as effects the Madison and Indianapolis rail road company, the 55th and 58th sections of the act entitled “An act for the continuance and construction of all or any part of the public works of this State by private companies, and for abolishing the Board of Internal Improvements, and the offices of Fund Commissioner and Chief Engineer,” approved January 28th, 1842;

Was taken from the table.

On motion by Mr. Stanfield,

The further consideration of the bill was postponed until Thursday next, February 5th, and made the special order of that day at 10 o'clock.

Mr. Wilson from the committee on engrossed bills made the following report:

**MR. SPEAKER:**

The committee on engrossed bills have examined bills of the House Nos. 91, 109, 3 and 64, and find them correctly engrossed.

#### SENATE BILLS ON THIRD READING.

No. 63. A bill authorizing the issuing of executions and fee bills in the Supreme court in cases upon which no execution or fee bill has issued for three years from the rendition of judgment, and where fees have not been collected for three or more years from the termination of the suit in which the same is taxed.

Was read a third time.

By unanimous consent of the House,

On motion by Mr. Holman,

The bill was amended by adding in the 13th line of the 1st section “Or before the justice of the peace.”

It was also amended by adding in the 11th line of 2d section,

"Or by such justice of the peace."

"Also, in the 15th line of section 2d,"

"Or before the justice of the peace."

Also, in the 23d line of section 2d,

"Or to the proper justice of the peace."

Also, in the 27th line, of the 5th section,

"Or entered upon the docket of such justice of the peace, as the case may be."

The question being put, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Beeson, Behm, Brady, Bryant, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Humphreys, Hunt, King, Laverty, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Mayfield, McConnell, McDonald, McDowell, Morris, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Struble, Stuart, Suit, Sweet, Taggart, Torbet, Watson, Wells, Williams, Withers, and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Manson, Miller, Nelson, Sumner, Thompson, Walker, and Wilson—7.

So the bill passed.

By unanimous consent of the House,

The title was amended by adding "or justices of the peace."

Ordered, that the clerk inform the Senate thereof.

No. 3. A bill to regulate the mode of proceeding against the White Water Valley Canal Company, and for failing to build, repair and keep up bridges;

Was read a third time.

Mr. Hudson moved to lay the bill on the table.

Which motion did not prevail.

Mr. Stuart moved to recommit the bill to the Judiciary committee, with instructions to include the Wabash and Erie Canal in the provisions of the bill;

Which motion prevailed.

## HOUSE BILLS ON THIRD READING.

No. 64. A bill to establish public libraries;

Was read a third time.

And the question being, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Humphreys, Hunt, King, Leviston, Lewis, Lindsey of Fayette, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McConnell, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—83.

No person voted in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Lavery from the joint committee on enrolled bills made the following report:

**MR. SPEAKER:**

The joint committee on Enrolled Bills have this day presented to the Governor for his approval, enrolled bill of the House numbered 18.

No. 91. A bill for the repeal of an act entitled an act, approved February 13, 1851, organizing a school district in Marshall county.

Was read a third time.

The question being, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donham, Doughty, Douthit, Eccles, Foster, Geddes,

Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Humphreys, Hunt, Kent, King, Leviston, Lewis, Lindsey of Fayette, Linsday of Howard, Litchfield, Major, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—83.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 109. A bill for the appointment of commissioners to relocate the seat of justice of Fountain county, providing for the compensation of such commissioners, and for levying an additional tax to defray the expenses incident thereto.

Was read a third time.

Mr. Spencer moved to commit the bill to the Judiciary committee, with instructions to inquire into its constitutionality.

Mr. Smith of Spencer moved to amend the instructions as follows: "That the committee report a general bill upon that subject."

Which motion did not prevail.

The question then recurred on committing the bill with the instructions of Mr. Spencer.

And being put,

It was decided in the affirmative.

Mr. Lewis, under the rule, gave notice of a motion for leave to introduce a bill pointing out and regulating the duties of county auditors.

On motion by Mr. Beeson,

The House adjourned.



SATURDAY MORNING, 9 o'clock, }  
January 31st, 1852. }

The House met,

The journal of the preceding day was read.

On motion by Mr. Beane,  
Leave of absence was granted Mr. Henry, on account of sickness.

On motion by Mr. Gunn,  
Leave of absence was granted Mr. Bulla, on account of sickness.

On motion by Mr. Huey,  
Leave of absence was granted Mr. Laverty, on account of sickness.

On motion by Mr. Hicks,  
Leave of absence was granted Mr. Eccles, on account of sickness.

On motion by Mr. Davis,  
Leave of absence was granted Mr. Stevens, on account of sickness.

#### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Nelson :

The petition of sundry merchants, boat owners and forwarders of the town of Fort Wayne, in reference to placing canal boats on a par with other property as to seizure for debt ;

Also, a notice of remonstrance on the same subject ;

Which,

On motion,

Was referred to the committee on the Rights and Privileges of the Inhabitants of this State.

By Mr. Hostetter ;

The petition of sundry citizens of this State, on the subject of temperance ;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Reynolds :

The memorial of sundry citizens of Grant county, on the subject of temperance ;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Hicks :

Several memorials of sundry ladies and gentlemen of Jennings county, on the subject of temperance ;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Hay of Clark :

Two memorials on the subject of temperance from sundry ladies and gentlemen of this State ;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Stuart :

The memorial of sundry ladies of this State on the subject of temperance ;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Holman :

The petition of sundry citizens of Lawrenceville, praying the change of the name of said town to that of Burr City ;

Which,

On motion,

Was referred to the committee on the Judiciary, with the following instructions :

“To inquire whether, under any law now in force or that has been passed by the General Assembly, the relief prayed for in the petition can be obtained.”

By Mr. Holman :

The communications of Wm. Steel, sen., George Moore, and A. K. Campbell, on the subject of Fees and Salaries :

Which,

On motion,

Were referred to the committee on Fees and Salaries.

#### REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the committee on the Judiciary, made the following report :

**MR. SPEAKER :**

The Judiciary committee, to which was referred House bill No. 3—a bill to regulate the mode of proceeding against the White Water Valley Canal Company, for failing to build, repair, and keep up

brides—with certain instructions, have directed me to report the same back and recommend its passage, deeming the principle of the instructions sufficiently embodied in the bill.

Mr. Hudson moved to lay the bill on the table;  
Which motion did not prevail.  
The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Huey, Humphreys, Hunt, Leviston, Lewis, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Williams, Wilson, Withers, and Mr. Speaker—75.

Mr. Hudson voted in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

By unanimous consent of the House Mr. Manson recorded his vote.

Mr. Owen moved that when this House adjourns it adjourn until Monday morning 9 o'clock.

Which motion prevailed.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 121. A bill to establish a Normal Department of Indiana University, for the Education, free of charge, of male and female teachers of Common Schools.

Was read a second time.

On motion by Mr. Owen,  
The bill was laid on the table.

By unanimous consent of the House,  
Mr. Donaldson obtained leave and offered the following resolution:

*Resolved*, That the committee on the Judiciary be and they are hereby required to report back to this House bill No. 42, for the action of the House in the premises.

Which was not adopted.

No. 122. A bill to provide for the organization of County Boards, and defining their powers and duties.

Was read a second time.

Mr. Stanfield offered the following amendment:

Amend Section — by striking out first clause and insert the following:

To make such orders respecting the property of the county as they may deem expedient in conformity to law, to sell the public grounds of the county upon which are situated the county buildings, if the public interest require it, and to purchase in lieu thereof in the name of the county, in the county seat, other grounds upon which the county buildings shall be erected, or if the Court House squares are deemed to be too small, they may purchase in fee, lands for the enlargement of the same, and to take care of and preserve the property of the county.

Which was adopted.

The bill as amended was ordered to be engrossed.

No. 123. A bill to establish Circuit Courts and defining the powers and duties of the Judges and officers of such courts.

Was read a second time.

On motion by Mr. Spencer,

The bill was laid on the table, and 150 copies ordered to be printed.

#### HOUSE BILLS ON THIRD READING.

No 68. A bill for the formation of agricultural societies, and the encouragement of agriculture.

Was read a third time.

And the question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Cockrum, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hunt, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Spencer, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker—75.

No person voted in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 120. A bill for the protection of wool growers.

Was read a third time,

Mr. Cockrum moved to recommit the bill to the Judiciary committee with the following instructions:

And if such dog should not be killed, and commits a second offence, the owner of such dog shall be liable or subject to pay to the owner of such sheep so killed, double the value thereof, and also for the third offence or like trespass, treble the value thereof.

Which were not adopted.

The question being, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Cockrum, Crawford, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Humphreys, Hunt, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McConnell, McDonald, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Walker, Wells, Williams, Withers, and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Cowgill, Huey, McDowell, Stanfield, Taggart, and Wilson  
—7.

So the bill passed.

On motion by Mr. Hudson,

The title of the bill was amended as follows:

“An act to protect sheep.”

Ordered, that the clerk inform the Senate thereof.

#### SENATE BILLS ON THIRD READING.

No. 58. A bill to provide for the districting of the State of Indiana into congressional districts.

Was read a third time.

Mr. Hay of Clark moved to recommit the bill to a select committee of three, with the following instructions:

Strike Switzerland county from the third, and add it to the fourth congressional district.

Mr. Stuart moved to amend the instructions of Mr. Hay of Clark by recommitting the bill to a select committee of one from each congressional district, with the following instructions:

The counties of Posey, Vanderburgh, Warrick, Spencer, Gibson, Pike, Dubois, Martin, Knox, and Daviess shall constitute the First District.

The counties of Perry, Crawford, Harrison, Floyd, Clark, Washington, and Orange, shall constitute the Second District.

The counties of Scott, Jefferson, Jennings, Jackson, Lawrence, Brown, Bartholomew, and Switzerland shall constitute the Third District.

The counties of Dearborn, Ripley, Ohio, Decatur, Franklin, and Rush shall constitute the Fourth District.

The counties of Wayne, Union, Fayette, Henry, Randolph, and Delaware shall constitute the Fifth District.

The counties of Shelby, Johnson, Morgan, Hendricks, Marion, and Hancock shall constitute the Sixth District.

The counties of Monroe, Greene, Sullivan, Owen, Clay, Vigo, Putnam, and Parke shall constitute the Seventh District.

The counties of Vermillion, Warren, Fountain, Tippecanoe, Montgomery, Carroll, Clinton, and Boone shall constitute the Eighth District.

The counties of Lake, Porter, Jasper, Benton, White, Cass, Pu-

laski, Fulton, Marshall, Starke, Laporte, St. Joseph, and Miami shall constitute the Ninth District.

The counties of Elkhart, Lagrange, Steuben, Kosciusko, Noble, KeKalb, Whitley, and Allen shall constitute the Tenth District.

The counties of Jay, Blackford, Grant, Tipton, Howard, Wabash, Huntington, Wells, Adams, Madison, and Hamilton shall constitute the Eleventh District.

On motion by Mr. Buskirk,

A call of the House was ordered :

When the following members answered to their names :

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, English, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Humphreys, Hunt, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sweet, Taggart, Thompson, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker—S2.

Mr. King moved to suspend the further call of the House;  
Which motion did not prevail.

On motion by Mr. Donaldson,

Mr. Harrison was excused.

On motion by Mr. Hudson,

Mr. Kent was excused.

On motion by Mr. Beeson,

Mr. Lindsey of Fayette was excused on account of sickness.

On motion by Mr. Thompson,

Mr. Watson was excused.

On motion by Mr. Hay of Clark,

The further call of the House was suspended.

The question being on the adoption of the amendment of Mr. Stuart to the instructions of Mr. Hay of Clark,

And being put;

The ayes and noes were demanded by Messrs. Stuart and Hudson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Brady, Donaldson, Foster, Hart, Hays of White, Hunt, Leviston, Lewis, Major, Manson, McAllister, McConnell, McDonald, Miller, Morris, Mudget, Owen, Porter, Ray,

Reynolds, Schoonover, Smith of Marion, Stanfield, Stuart, Suit, Sweet, Taggart, Withers, and Mr. Speaker—32.

*Those who voted in the negative were,*

Messrs. Beeson, Behm, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donham, Doughty, Douthit, English, Geddes, Goudy, Graham, Gunn, Hanna, Hay of Clark, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Humphreys, King, Lindsay of Howard, Litchfield, Mayfield, McDowell, Nelson, Scudder, Shanklin, Smith of Spencer, Spencer, Staton, Stover, Struble, Sumner, Thompson, Torbet, Walker, Wells, Williams, and Wilson—51.

So the amendment was not adopted.

The question then recurred on recommitting the bill with the instructions of Mr. Hay of Clark ;

And being put,

The ayes and noes were demanded by Messrs. Holman and Spencer.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Brady, Cromwell, Donaldson, Donham, Douthit, Foster, Gibson, Hanna, Hart, Hay of Clark, Hicks, Holman, Hunt, Leviston, Manson, McAllister, McConnell, Miller, Morris, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Spencer, Struble, Stuart, Suit, Sweet, Taggart, Torbet, Williams, Wilson, and Withers—39.

*Those who voted in the negative were,*

Messrs. Behm, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Davis, Dice, Dobson, Doughty, English, Geddes, Goudy, Graham, Gunn, Helmer, Holladay of Parke, Holliday of Blackford, Hudson, Huey, Humphreys, King, Lewis, Lindsay of Howard, Litchfield, Major, Mayfield, McDonald, McDowell, Nelson, Scudder, Shanklin, Stanfield, Staton, Sumner, Thompson, Walker, Wells, and Mr. Speaker—40.

So the bill was not recommitted.

Mr. English moved the House adjourn ;

And the question being put,

The ayes and noes were demanded by 10 members.



*Those who voted in the affirmative were,*

Messrs. Beane, Beeson, Brady, Buskirk, Dobson, English, Gibson, Hart, Hays of White, Humphreys, Manson, McAllister, Morris, Stuart, and Mr. Speaker—15.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Behm, Bryant, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Donaldson, Donham, Doughty, Douthit, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Hay of Clark, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hunt, King, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Mayfield, McConnell, McDonald, McDowell, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Wells Williams, Wilson, and Withers—68.

So the House refused to adjourn.

Mr. English moved to reconsider the vote by which the House refused to commit the bill with the instructions of Mr. Hay of Clark.

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and English.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Brady, Buskirk, Cromwell, Dobson, Donaldson, Douthit, English, Gibson, Hanna, Hart, Hay of Clark, Hays of White, Hicks, Holman, Hostetter, Humphreys, Leviston, Lindsay of Howard, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Schoonover, Spencer, Stover, Struble, Suit, Taggart, Torbet, Wells, Williams, Wilson, Withers and Mr. Speaker—43.

*Those who voted in the negative were,*

Messrs. Barker, Behm, Bryant, Carpenter, Cockrum, Cowgill, Crawford, Davis, Dice, Donham, Doughty, Foster, Geddes, Goudy, Graham, Gunn, Helmer, Holladay of Parke, Holliday of Blackford, Hudson, Huey, Hunt, King, Lewis, Litchfield, Major, Manson, McDonald, Mudget, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Sumner, Sweet, Thompson, and Walker—40.

So the vote was reconsidered.

The question then recurred on committing the bill, with the instructions of Mr. Hay of Clark.

Mr. Buskirk moved that the House adjourn;  
 And the question being put,  
 The ayes and noes were demanded by ten members.

*Those who voted in the affirmative were,*

Messrs. Beeson, Brady, Bryant, Buskirk, Davis, Dobson, Doughty, English, Foster, Gibson, Hay of Clark, Hays of White, Holman, Humphreys, King, Nelson, Porter, Stuart, Taggart, and Mr. Speaker—20.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Behm, Carpenter, Cockrum, Cowgill, Crawford, Dice, Donaldson, Donham, Douthit, Geddes, Goudy, Graham, Gunn, Hanna, Hart, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Hunt, Leviston, Lewis, Lindsay of Howard, Litchfield, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Mudgett, Owen, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stover, Struble, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Wells, Williams and Wilson—60.

So the House refused to adjourn.

Mr. Hays of White offered the following amendment to the instructions of Mr. Hay of Clark :

Take White and Benton from the 11th, and add them to the 5th congressional district.

The question being on the adoption of the amendment of Mr. Hays of White to the instructions of Mr. Hay of Clark.

And being put,

The ayes and noes were demanded by Messrs. English and Buskirk.

*Those who voted in the affirmative were,*

Messrs. Bryant, Cromwell, Dobson, Hays of White, Holman, Leviston, Mayfield, McAllister, McDonald, Miller, Nelson, Porter, Reynolds, Stuart, Suit, Taggart, Withers, and Mr. Speaker—18.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Davis, Dice, Donaldson, Donham, Doughty, Douthit, English, Foster, Geddes, Gibson, Goudy, Graham,

Gunn, Hanna, Hart, Hay of Clark, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Humphreys, Hunt, King, Lindsay of Howard, Litchfield, Major, Manson, McConnell, McDowell, Mudget, Owen, Ray, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stover, Struble, Sumner, Sweet, Thompson, Walker, Wells, Williams, and Wilson—63.

So the amendment was not adopted.

Mr. Stuart offered the following amendment to the instructions of Mr. Hay of Clark:

Amend by putting Cass and Miami in the north-west district, No. eleven.

Elkhart and Kosciusko in the north-east district No. ten.

Add Huntington, Wells, Adams and Jay in district No. nine.

Mr. Smith of Spencer, called the previous question.

Which was not seconded by the House.

The question then recurred on the adoption of the amendment of Mr. Stuart to the instructions of Mr. Hay of Clark.

And the question being put,

The ayes and noes were demanded by Messrs. Stuart and English.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Brady, Bryant, Cromwell, Dobson, Donaldson, Donham, Douthit, Foster, Hanna, Hays of White, Holman, Hunt, Leviston, Manson, McAllister, McConnell, McDonald, Miller, Morris, Mudget, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Stanfield, Stover, Struble, Stuart, Sweet, Taggart, Wells, Williams, Withers, and Mr. Speaker—37.

*Those who voted in the negative were,*

Messrs. Barker, Beeson, Behm, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Davis, Dice, Doughty, English, Geddes, Gibson, Goudy, Graham, Gunn, Hart, Hay of Clark, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Humphreys, King, Lewis, Lindsay of Howard, Litchfield, Major, Mayfield, McDowell, Nelson, Owen, Scudder, Shanklin, Smith of Spencer, Spencer, Staton, Suit, Thompson, Walker, and Wilson—45.

So the amendment to the instructions was not adopted.

Mr. Humphreys moved to amend the instructions of Mr. Hay of Clark,

By striking out Vermillion from the 7th, and place it in the 8th.

Which motion did not prevail.

Mr. Davis of Franklin moved to amend the instructions of Mr. Hay of Clark,

“By adding Jefferson and Jennings to the 4th District, and elect two members of Congress from this district.”

Which motion did not prevail.

Mr. Withers moved the House adjourn.

Which motion did not prevail.

Mr. Holliday of Parke offered the following amendment to the instructions of Mr. Hay of Clark.

Strike out from the enacting clause and insert the following:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the State be divided into eleven congressional districts, composed of the following counties:

SEC. 2. The counties of Steuben, DeKalb, Allen, Whitley, Elkhart, Kosciusko, Lagrange, Fulton, Marshall and Noble, shall constitute the first district.

SEC. 3. The counties of St. Joseph, Laporte, Starke, Porter, Lake, Jasper, Pulaski, Benton, White, Cass, Miami, Wabash and Carroll, shall constitute the second district.

SEC. 4. The counties of Huntington, Wells, Adams, Jay, Blackford, Grant, Madison, Delaware, Randolph and Hamilton shall constitute the third district.

SEC. 5. The counties of Howard, Tipton, Clinton, Boone, Tippecanoe, Montgomery, Warren and Fountain shall constitute the fourth district.

SEC. 6. The counties of Vermillion, Parke, Putnam, Vigo, Clay, Owen and Sullivan shall constitute the fifth district.

SEC. 7. The counties of Hendricks, Marion, Hancock, Shelby, Johnson and Morgan shall constitute the sixth district.

SEC. 8. The counties of Henry, Rush, Wayne, Fayette, Union and Franklin shall constitute the seventh district.

SEC. 9. The counties of Decatur, Dearborn, Ohio, Switzerland, Ripley, Jennings and Scott shall constitute the 8th district.

SEC. 10. The counties of Jefferson, Clark, Floyd, Washington and Harrison shall constitute the ninth district.

SEC. 11. The counties of Bartholomew, Brown, Monroe, Lawrence, Greene, Martin, Daviess, Jackson and Knox shall constitute the tenth district.

SEC. 12. The counties of Orange, Crawford, Perry, Spencer, Dubois, Warrick, Pike, Gibson, Vanderburg and Posey shall constitute the eleventh district.

SEC. 13. This act shall be in force from and after its publication in the Indiana State Journal and Indiana State Sentinel.

Mr. English moved the House adjourn.

And the question being put :

The ayes and noes were demanded by ten members.

*Those who voted in the affirmative were,*

Messrs. Behm, Brady, Buskirk, Crawford, Davis, Dice, Dobson, Hays of White, Humphreys, Lewis, Porter, Reynolds, Wells, Wilson, and Mr. Speaker—15.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Bryant, Carpenter, Cockrum, Cowgill, Cromwell, Donaldson, Donham, Doughty, Douthit, English, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hunt, King, Leviston, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Mudget, Nelson, Owen, Ray, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Williams, and Withers—66.

So the House refused to adjourn.

Mr. Mudget moved to postpone the further consideration of the bill until next Wednesday at 2 o'clock, P. M.

Mr. English moved to amend the motion of Mr. Mudget by striking out Wednesday next, and insert Monday the 2d inst. at 2 o'clock, P. M.

Mr. Stuart moved to amend the motion of Mr. Mudget by striking out Wednesday next, and insert Monday, the 9th of February.

And the question being put,

The ayes and noes were demanded by Messrs. Stuart and Hudson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Beeson, Brady, Dobson, Foster, Hanna, Hays of White, King, Mayfield, McConnell, Mudget, Owen, Reynolds, Smith of Marion, Stanfield, Stuart, Suit, Sweet, Wilson, and Withers—21.

*Those who voted in the negative were,*

Messrs. Behm, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Donaldson, Donham, Doughty, Douthit, English, Geddes, Gibson, Graham, Gunn, Hart, Hay of Clark, Helmer, Hicks, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Humphreys, Hunt, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Manson, McAllister, McDonald, McDowell, Miller, Nelson, Porter, Ray, Schoonover, Scudder, Shanklin, Smith of Marion, Spencer, Staton, Stover, Struble, Taggart, Thompson, Torbet, Walker, Wells, Williams, and Mr. Speaker—58.

- So the bill was not so postponed.
- Mr. Withers called the previous question ;
- Which was seconded by the House.
- The question being shall the main question be now put ?
- It was decided in the affirmative.
- The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Beeson, Behm, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Dice, Dobson, Donham, English, Geddes, Gibson, Goudy, Graham, Gunn, Helmer, Hicks, Huey, Humphreys, Lindsay of Howard, Litchfield, Major, Manson, McDowell, Nelson, Scudder, Shanklin, Smith of Spencer, Stover, Struble, Suit, Sumner, Taggart, Thompson, Walker, Wells, Williams Wilson and Mr. Speaker—41.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Brady, Cromwell, Davis, Donaldson, Doughty, Douthit, Foster, Hanna, Hart, Hays of White, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Hunt, Leviston, Lewis, McAllister, McConnell, McDonald, Miller, Morris, Mudget, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Spencer, Stanfield, Staton, Stuart, Sweet, Torbet, and Withers—39.

So the bill did not pass,  
There not being a constitutional majority voting therefor.  
On motion by Mr. Struble,  
The House adjourned.

MONDAY MORNING, 9 o'clock, }  
February 2, 1852. }

The House met.

The journal of the preceding day was read.

A message from the Senate by Mr. Dunn their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insists on its third engrossed amendment to House bill No. 17, entitled,

An act to provide for the appointment of a reporter, and a speedy publication of the decisions of the supreme court.

And that the Senate has appointed Messrs. Dunn and Allen a committee of free conference on the part of the Senate, to act with a similar committee on the part of the House.

In which the concurrence of the House is respectfully requested.

Mr. Behm moved that the House recede from its disagreement to the third engrossed amendment of the Senate to House bill No. 17, contained in the foregoing message.

Which motion did not prevail.

On motion,

Messrs. Holman and Gibson were appointed as a committee of conference on the part of the House on bill No. 17 contained in the foregoing message.

Ordered that the clerk inform the Senate thereof.

#### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Hicks;

The memorial of 63 ladies of Jennings county, on the subject of temperance.

Which,

On motion,

Was referred to the committee on Temperance.

## RESOLUTIONS OF THE HOUSE.

Mr. Smith of Spencer offered the following preamble and resolution :

**WHEREAS**, There is one class of men whose minds have reached a pollution so intense, they can enter the sacred precincts of a happy family, and under the fairest professions, ply all the arts of speech and the refinement of a winning exterior to cover the desperate purpose they cherish, and at length plant a dagger in the heart of innocence, cover with shame that group of lovely children, and bow those fond parents' hearts in sorrow to the grave. If, in the armory of eternal justice, there are forged thunderbolts hotter than all others, and if in the regions of the damned there are cells within which there dwells a fiercer and more terrible retribution, most surely will those bolts fall upon the heart, and those cells receive the soul of the foul fiend who with such cruel selfishness has trodden down all sacred rights for a moment's pleasure. There is a sorrow deeper than the grave—there is an anguish that o'er-masters all earthly sorrows—there is a life more horrible than death—there is a shame which haunts the poor victim and lifts its spectre form before him and haunts him in all the scenes of time, and will not leave him in the grave. Therefore, to punish such fiends,

*Resolved*, That the Judiciary committee be instructed to report a bill making seduction a capital offence.

The question being, Shall the resolution be adopted,  
And being put;

The ayes and noes were demanded by Messrs. Smith of Spencer and Withers.

*Those who voted in the affirmative were,*

Messrs. Brady, Douthit, Hays of White, Henry, Holladay of Parke, Lewis, Litchfield, McDonald, McDowell, Nelson, Perter, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Williams and Withers—17.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Buskirk, Carpenter, Cockrum, Cromwell, Dice, Donham, Doughty, Foster, Gibson, Goudy, Graham, Hart, Hay of Clark, Helmer, Hudson, Huey, Hunt, Leviston, Lindsay of Howard, Major, Manson, Mayfield, McAllister, Morris,



Mudget, Ray, Scudder, Shanklin, Staton, Stover, Struble, Suit, Sweet, Taggart, Thompson, Torket, Walker, Wells, Wilson and Mr. Speaker—44.

So the resolution was not adopted.

On motion by Mr. Doughty,

*Resolved*, That the committee on Temperance be, and they are hereby instructed to report, at their earliest convenience, the number of petitions that have been referred to them on temperance, and also the number of signers to said petitions.

Mr. Beeson offered the following resolution:

*Resolved*, That the committee on Ways and Means be instructed to introduce a bill for the purpose of raising revenue for the current year, 1852, embracing the following provisions, to-wit: For State purposes, fifteen cents on each one hundred dollars of the value of all property entered for taxation in the general list of all taxables, and fifty cents on each poll subject by law to taxation.

That in addition to the above, there shall be assessed, levied and collected, one cent and seven mills and a half on each one hundred dollars, for the Indiana Hospital for the Insane; two cents and two and a half mills for the Asylum for the Deaf and Dumb, on every one hundred dollars, and one cent and five mills for the Institute for the Education of the Blind, on every one hundred dollars, according to law, which shall be paid over, when collected, to said Institutions.

Mr. Brady moved to amend the resolution by striking out one cent and seven and one-half mills for the Indiana Hospital for the Insane, and insert two cents.

Which motion did not prevail.

On motion by Mr. Buskirk,

The resolution was amended by making it one of inquiry.

The resolution as amended was then adopted.

On motion by Mr. Withers,

*Resolved*, That the committee on Fees and Salaries be instructed to inquire into the expediency of providing by law for the payment of jurors and witnesses in trials before justices of the peace, as follows: Thirty cents and mileage to each juror and witness in each case; and report by bill or otherwise.

Mr. Owen offered the following resolution:

*Resolved*, That in establishing a Normal department for the education, free of charge, of common school teachers, and to be sustained out of the State University funds, it is expedient that the same should be located at Bloomington.

Mr. Holman offered the following amendment to the resolution: Strike out from the resolving clause and insert the following:

**WHEREAS**, In the opinion of this House, the benefits of the fund now appropriated to the use of the State University must, from necessity, be enjoyed by comparatively a small portion of the youth of the State; *And whereas*, the spirit of the Constitution requires an equal enjoyment of all of the beneficence, justice and liberality of the State, and the common school system opens the only channel for the equal enjoyment of the rights of education; Therefore,

*Resolved*, That the University fund, and the proceeds of Lot No. 25, in Indianapolis, commonly known as the University square, should, in the opinion of this House, be applied to the general purposes of common schools throughout the State.

Mr. Owen moved to amend the amendment of Mr. Holman as follows:

Strike out all after the word "applied" and insert "for the establishment of a State Normal School, for the instruction free of charge, of young persons desirous of qualifying themselves as common school teachers."

On motion by Mr. Smith of Spencer,  
The House adjourned until 2 o'clock.

2 o'clock, P. M.

The House met,

On motion by Mr. Owen,

A call of the House was ordered.

The clerk proceeded to the call, when the following members answered to their names:

Messrs. Beach, Beane, Beeson, Behm, Buskirk, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Donaldson, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday

of Blackford, Holman, Hostetter, Hudson, Huey, Humphreys, Hunt, King, Lewis, Lindsay of Howard, Lindsey of Fayette, Litchfield, Major, Manson, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Williams, Wilson, Withers, and Mr. Speaker—76.

On motion by Mr. Spencer,

The further call of the House was suspended.

After some debate,

Mr. Gibson moved that the House adjourn.

Which motion did not prevail.

The question being on the adoption of the amendment of Mr. Owen to the amendment of Mr. Holman,

And being put,

The ayes and noes were demanded by Messrs. Owen and Holman.

*Those who voted in the affirmative were,*

Messrs. Buskirk, Carpenter, Davis, Dice, Dobson, Doughty, Eccles, Goudy, Helmer, Hostetter, Hunt, King, Lewis, Manson, Mayfield, McDonald, Mudgett, Owen, Scudder, Stuart, Suit, Torbet, Wells, and Mr. Speaker—24.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Cockrum, Cowgill, Crawford, Cromwell, Donham, Douthit, Foster, Geddes, Gibson, Graham, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holmana, Hudson, Huey, Humphreys, Leviston, Lindsay of Howard, Litchfield, Major, McAllister, McDowell, Miller, Morris, Nelson, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Staton, Stover, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Williams, Wilson, and Withers—57.

So the amendment to the amendment was not adopted.

Mr. Owen moved to refer the whole subject to the Judiciary committee, with instructions to inquire into its constitutionality;

And the question being put,

The ayes and noes were demanded by Messrs. Owen and Holman.

*Those who voted in the affirmative were,*

Messrs. Buskirk, Carpenter, Cockrum, Dice, Dobson, Douthit, Geddes, Goudy, Helmer, Hostetter, Hudson, Hunt, King, Lewis, Lindsay of Howard, Mayfield, Mudgett, Owen, Schoonover, Scudder, Smith of Marion, Staton, Stuart, Torbet, and Mr. Speaker—25.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Cowgill, Crawford, Cromwell, Davis, Donaldson, Donham, Doughty, Eccles, Foster, Gibson, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Huey, Humphreys, Leviston, Litchfield, Major, Manson, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Nelson, Porter, Ray, Reynolds, Shanklin, Smith of Spencer, Spencer, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Wilson, and Withers—59.

So the resolution and amendments were not so referred.

Mr. Smith of Marion moved to amend the amendment of Mr. Holman by striking out that part of the amendment relative to the sale of the University Square in Indianapolis;

Which motion did not prevail.

The question then recurred on the adoption of the amendment of Mr. Holman;

And being put;

The ayes and noes were demanded by Messrs. Holman and Owen.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Cowgill, Crawford, Cromwell, Donaldson, Donham, Doughty, Douthit, Graham, Hanna, Hart, Hays of White, Henry, Holladay of Parke, Holman, Huey, Humphreys, Leviston, Litchfield, Major, Manson, McAllister, McDonald, McDowell, Miller, Morris, Nelson, Porter, Ray, Reynolds, Shanklin, Smith of Spencer, Spencer, Staton, Stover, Sweet, Taggart, Thompson, Walker, Watson, Williams, Wilson, and Withers—47.

*Those who voted in the negative were,*

Messrs. Behm, Buskirk, Carpenter, Cockrum, Davis, Dice, Eccles, Foster, Geddes, Gibson, Goudy, Gunn, Hay of Clark, Helmer, Hicks, Holliday of Blackford, Hostetter, Hudson, Hunt, King, Lewis,

Linsday of Howard, Mayfield, McConnell, Mudget, Owen, Schoonover, Scudder, Smith of Marion, Stanfield, Struble, Suit, Torbet, Wells, and Mr. Speaker—34.

So the amendment was adopted.

Mr. Stuart was excused from voting on the adoption of the amendment to the resolution.

The question then being on the adoption of the resolution,

And being put ;

It was decided in the affirmative.

On motion by Mr. Doughty,

The House adjourned.

TUESDAY MORNING, 9 o'clock, }  
February 3d, 1852. }

The House met.

The Journal of the preceding day was read.

The Speaker laid before the House the following communication from the President of the State Bank, in obedience to a resolution of this House :

STATE BANK OF INDIANA, }  
INDIANAPOLIS, Feb. 2, 1852. }

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives :*

SIR :—Having received replies from all the branches of this Bank I submit herewith, in tabular form, an answer to the resolution of the House of Representatives requesting me to report the amount of money loaned by each branch of this Bank during the past year to stockholders of the Bank, and how much to other persons not stockholders.

From the Richmond branch no figures are given by the cashier,

but he states in general terms that "nearly if not quite all their stockholders hold their stock for the dividends, not for any additional facility in getting loans," adding that his other engagements did not give him time to make the research necessary to give the detailed amounts separately.

Very respectfully,

J. MORRISON, Pres't.

*TABLE of Loans in all the Branches of the State Bank of Indiana, except the Richmond Branch, to stockholders and others during the past year :*

BRANCH.	Loans to Stockholders.	Loans to others not Stockholders.	Total Loans.
Indianapolis.....	\$10,323 64	\$1,517,419 75	\$1,527,743 39
Lawrenceburgh.....	284,215 00	1,595,034 77	1,879,249 77
Madison.....	71,470 71	1,442,532 76	1,514,003 47
New Albany.....	45,063 00	429,229 45	474,292 45
Evansville.....	195,712 04	515,573 37	711,285 41
Vincennes.....	51,500 00	367,500 00	419,000 00
Bedford.....	125,000 00	215,000 00	340,000 00
Terre Haute.....	235,791 00	1,149,594 00	1,385,385 00
Lafayette.....	328,303 00	1,136,150 00	1,464,453 00
Fort Wayne.....	103,000 00	650,000 00	753,000 00
South Bend.....	70,654 16	772,616 21	843,270 37
Michigan City.....	478,660 56	547,226 25	1,025,886 81
Total.....	\$1,999,693 11	\$10,337,876 56	\$12,337,569 67

JAMES M. RAY, Cashier.

STATE BANK, Indianapolis, Feb. 3, 1852.

On motion by Mr. Doughty,

The communication was laid on the table and ordered to be printed.

#### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Lindsay of Howard:

The temperance memorial of sundry ladies of Howard and Clinton counties.

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Hays of White:

The petition of sundry voters of White county, relative to the common school law.

Which,

On motion,

Was referred to the committee on Education.

By Mr. Davis of Franklin:

The Temperance memorial of 182 ladies of Franklin county; also, the temperance memorial of 190 gentlemen of Franklin county.

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Hay of Clark:

A communication from the city council of Jeffersonville, relative to the improvement of the Falls of the Ohio, as also a canal on the Indiana shore of the Ohio at the Falls.

Which,

On motion by Mr. Hay of Clark,

Was laid on the table.

#### REPORTS FROM COMMITTEES.

Mr. Stanfield, from the Judiciary committee, made the following report:

MR. SPEAKER:

The committee on the Judiciary, in compliance with a resolution instructing them to inquire into the constitutionality of a law granting to the board of commissioners of the different counties prohibiting the running at large of hogs, sheep, and all other stock, and if unconstitutional, whether it is not a subject or matter of local legislation, have directed me to make the following report:

That the power of enacting laws is by the Constitution, vested exclusively in the Legislature, and the only power that can be conferred on the boards doing county business, is to administer the laws when duly enacted. To prohibit the running at large of stock, and the imposition of penalties for the violation of the rule prescribed, could not be deemed the administration of a law, but its enactment. If a law, however, was enacted, creating the prohibition, and its taking effect and being enforced, was made to depend upon the will of the county board, then the 25th section of the first article of the Constitution would be violated.

It is therefore, the opinion of the committee, that neither the prescription of the rule, nor its taking effect, could constitutionally result from any other than the immediate exercise of the power of the

legislative department. A general law, however, of uniform operation throughout the State, might be enacted, prohibiting generally the running at large of stock, and therefore a local law would violate the 23d section of article 4th of the Constitution.

The committee ask to be discharged from the further consideration of the subject.

On motion by Mr. McDonald,

The report was laid on the table.

Mr. Stover, from the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee on Corporations, to whom was referred, by resolution of the House, the subject of a general law incorporating towns, have had the same under consideration, and directed me to report the following bill, and recommend its passage:

No. 124. A bill to provide for the incorporation of towns, and defining the powers and duties of such corporations. Also, the duties of county auditors, treasurers, and clerks of the circuit court, in relation to the same;

Which was read a first time and passed to a second reading.

#### RESOLUTIONS OF THE HOUSE.

On motion by Mr. Spencer,

*Resolved*, That the Rev. J. Mitchell, agent of the American Colonization Society, be respectfully requested to furnish to this House, at his earliest convenience, answers to the following questions, viz:

*First*. Should the State of Indiana determine to establish a settlement on the coast of Africa, for the accommodation of her colored people, where will be the best point?

*Second*. What will be the probable cost of procuring an extent of territory sufficient for their purpose,—what its location, health, fertility, natural productions, and inducements for such a settlement?

*Third*. What is the character of the soil of Liberia,—nature of the climate, character of its inhabitants and government?

*Fourth*. What are the inducements for sending our colored population to Liberia?

*Fifth*. How much does it cost to transport emigrants to Liberia, each?

*Sixth*. What is the number of colored persons in Indiana, at this



time, and what proportion of them could probably be induced to emigrate to the land of their fathers?

And to furnish any other information pertinent to the subject, in his possession.

And that a copy of this resolution be immediately furnished to the Rev. J. Mitchell, by the clerk of this House.

The Speaker laid before the House the following communication from the Auditor of State, in obedience to the following resolution of the House:

*Resolved*, That the Auditor of State be requested to furnish to this House, as soon as possible a statement of the amount expended by the State upon each of the public works embraced in her internal improvement system, the amount received by the State for tolls or on the sale or other disposition of each of said works, and the condition and amounts received by the State from tolls or otherwise, from such works as still remain the property of the State.

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, February 2, 1852. }

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives:*

SIR:—I have received the foregoing resolution of the House, and in answer thereto, submit the accompanying report, to-wit:

The following works were embraced in the Internal Improvement system under the act of January 27, 1837, to-wit:

*First.* The White Water Canal;

*Second.* The Central Canal;

*Third.* The extension of the Wabash and Erie Canal west of the mouth of Tippecanoe;

*Fourth.* The Madison and Lafayette Railroad, a portion of which is since termed the Madison and Indianapolis Railroad;

*Fifth.* The New Albany and Vincennes Turnpike Road;

*Sixth.* The Jeffersonville and Crawfordsville Turnpike Road;

*Seventh.* The improvement of the Wabash River between its mouth and the town of Vincennes;

*Eighth.* The Erie and Michigan Canal or Railroad.

Of these works, the State has abandoned entirely the following:

The Jeffersonville and Crawfordsville Road, costing,	\$339,183	78
The Lafayette and Indianapolis Road,	"	73,142 87
The improvement of the Wabash,	"	14,288 42

Total cost of works abandoned,.....	\$426,615	07
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The remainder of these works have been disposed of as follows :

The White Water Canal, under the act of January 20, 1842, was surrendered to the White Water Valley Canal Company, upon condition that the company should complete the Canal to the National Road at Cambridge City by the first day of March, 1847, the State reserving the right to resume the canal after the expiration of fifteen years from the date of its completion, upon paying to the company the amount expended for construction, and complying with outstanding contracts. After the expiration of said fifteen years, all the net profits of the company, exceeding eight per cent. on their capital stock invested, are to be paid into the State treasury for the use of the State; reserving, however, to the company the right to extinguish all interest of the State in the Canal, by paying her in State bonds the amount which had been expended for construction, right of way and damages.

The amount expended on this work at the date of transfer was .....	\$1,102,077 54
Total receipts .....	9,902 41
Excess of expenditures .....	\$1,092,175 13
To which add damages paid in 1851 .....	198 50
Total excess .....	<u>\$1,092,373 63</u>

The Central Canal was divided into the Northern and Southern Divisions.

Under an act approved Jan. 19, 1850, the Governor and Auditor of State proceeded to advertise and offer for sale all the State's interest in the Northern Division of said work; and in December, 1850, sold that portion lying north of Morgan county to Messrs. George G. Shoup, James Rariden, and John S. Newman, for the sum of \$2,425, and that portion in Morgan county to Aaron Alldredge, for the sum of \$600. These sales were confirmed by the Legislature, and the proper conveyances have been executed.

The total expenditures on the Northern Division, to Oct. 31, 1851, amounted to .....	\$889,067 94
Total receipts for same period .....	20,756 00
Excess of expenditures .....	<u>\$868,311 94</u>

The Southern Division of this work was embraced in the transfer to the Trustees of the Wabash and Erie Canal, and the expenditures

thereon, prior to July 1, 1847, amounted to the sum of \$575,646 49. There were no receipts.

The Wabash and Erie Canal, east and west of Tippecanoe, including the Southern Division of the Central Canal, the Eel River Cross Cut Canal, and the Wabash and Ohio Canal, was surrendered to the Trustees under the State debt arrangement, provided for in the acts of 1846 and 1847.

The receipts and expenditures thereon, up to the date of the surrender, were as follows :

*Wabash and Erie Canal, East of Tippecanoe.*

Total expenditures to July 1, 1847.....	\$3,055,268 97
Total receipts.....	1,174,611 83
Excess of expenditures .....	<u>\$1,880,657 14</u>

*Wabash and Erie Canal, West of Tippecanoe.*

Total expenditures to July 1, 1847 .....	\$1,245,290 54
Total receipts .....	526,847 61
Excess of expenditures.....	<u>\$718,442 93</u>

*Eel River Cross Cut Canal.*

Total cost prior to surrender.....	\$436,189 88
There were no receipts.	

*Wabash and Ohio Canal.*

Total expenditures in selection of lands .....	\$9,169 94
There were no receipts.	

*The Madison and Indianapolis Railroad*

Was surrendered to a company under an act approved January 28, 1842.

Total expenditures to Oct. 31, 1851.....	\$1,640,578 73
Total receipts same period .....	84,146 28
Excess of expenditures .....	<u>\$1,556,532 45</u>

*New Albany and Vincennes Road.*

In pursuance of an act approved February 13, 1851, this work was surrendered to a company on the 15th May, 1851.

Total expenditures to Oct. 31st, 1851 .....	\$727,375 23
Total receipts same period.....	56,299 10
Excess of expenditures.....	<u>\$669,076 13</u>

*Erie and Michigan Canal.*

The amount expended on this work to Oct. 31st, 1851, is..... \$160,708 87  
There has been no receipts.

The only portion of the work available is the water power at the Northport feeder dam, which, by an act of the Legislature, was conveyed to Noble county for school purposes.

*Recapitulation.*

<i>Names of Works.</i>	<i>Total Expenditures.</i>	<i>Total Receipts.</i>	<i>Excess of Expenditures.</i>
1. White Water Canal.....	\$1,162,276 04	\$9,902 41	\$1,092,373 63
2. Central Canal, northern division.....	889,067 94	20,756 00	868,311 94
Central Canal, southern division.....	575,646 49		575,646 49
3. Wabash and Erie Canal, east of Tippecanoe,..	3,055,268 97	1,174,611 83	1,880,657 14
Same, west of Tippecanoe.....	1,245,290 54	526,847 61	718,442 93
Eel River Cross-Cut Canal.....	436,189 88		436,189 88
Wabash and Ohio Canal, .....	9,169 94		9,169 94
4. Lafayette and Indianapolis Railroad.....	73,142 87		73,142 87
Madison and Indianapolis Railroad.....	1,640,578 73	84,046 28	1,556,532 45
5. New Albany and Vincennes Railroad.....	725,375 23	56,299 10	669,076 13
6. Jeffersonville and Crawfordsville Road.....	329,183 78		329,183 78
7. Wabash River improvement.....	14,288 42		14,288 42
8. Erie and Michigan Canal, .....	160,708 87		160,708 87
Total.....	<u>\$10,266,187 70</u>	<u>\$1,872,463 23</u>	<u>\$8,393,724 47</u>

The only work from which the State is deriving any income is the Madison and Indianapolis Rail Road, the annual rent of which is \$1,152 04.

Respectfully submitted,  
E. W. H. ELLIS,  
*Auditor of State.*

Which,

On motion by Mr. Brady,  
Was laid on the table, and 150 copies ordered to be printed.

A message from the Senate by Mr. Dunn, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed joint resolution thereof:

No. 67, entitled, "A joint resolution directing the publication of the Constitution of this State."

In which the concurrence of the House is respectfully requested.

The joint resolution contained in the foregoing message, was read a first time and passed to a second reading.

Mr. Buskirk, in pursuance of previous notice, obtained leave and introduced

No. 125. A bill to regulate and limit the expenses of the State Benevolent Institutions;

Which was read a first time and passed to a second reading.

By unanimous consent of the House,  
Mr. Behm obtained leave and introduced

No. 126. A bill regulating the time of holding courts in the county of Tippecanoe;

Which was read a first time and passed to a second reading.

By unanimous consent of the House,  
Mr. Stuart obtained leave and introduced

No. 127. A bill to authorize suits against the State;  
Which was read a first time and passed to a second reading.

By unanimous consent of the House,  
Mr. Suit obtained leave and introduced

No. 128. A bill to establish courts of common pleas, defining the jurisdiction of the judges,—the duties of the judges and other officers thereof, and providing for their compensation ;

Which was read a first time, and passed to a second reading.

Mr. Smith of Marion, under the rule, gave notice of a motion for leave to introduce

A bill to provide for the punishment of offences against the right of suffrage.

Mr. Smith of Marion, chairman of the committee on Enrolled bills, made the following report :

MR. SPEAKER :

The committee on Enrolled bills have compared the following enrolled with the engrossed bill of the House of the corresponding number, and find the same correctly enrolled.

No. 92. An act relative to arbitration and umpirages.

Whereupon the Speaker signed the same.

Ordered, that the clerk inform the Senate thereof.

Mr. Behm, from the joint committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The joint committee on Enrolled Bills has this day presented to the Governor for his approval House bill No. 92.

#### ORDERS OF THE DAY.

##### *House Bills on Third Reading.*

No. 122. A bill to provide for the organization of county boards, and defining their duties and powers ;

Was read a third time.

Mr. Holman moved to recommit the bill to the committee on the Organization of Courts of Justice, with instructions to strike out the section on the subject of appointing two students to the State University.

Mr. Carpenter moved to amend the instructions of Mr. Holman, by striking out the section authorizing the board to make special allowances to clerks and sheriffs.

Which motion prevailed.

The question then being on recommitting the bill with the instructions,

And being put :

It was decided in the affirmative.

Mr. Graham, under the rule, gave notice of a motion for leave to introduce a bill to attach a part of Gibson county to the county of Pike.

Mr. Stuart moved that when this House adjourn, it adjourn to meet on to-morrow morning, 9 o'clock.

Which motion prevailed.

By unanimous consent of the House,

Mr. Spencer presented the petition of S. G. Peabody, praying relief from paying the interest on a judgment in favor of the surplus revenue fund.

Which,

On motion,

Was referred to the committee on the Judiciary.

On motion by Mr. Hudson,

Joint resolution No. 16. A joint resolution asking a more liberal construction of the act of Congress of May 9, 1848,

Was taken from the table and placed on the files of the House.

By unanimous consent of the House,

Mr. Torbet presented a communication from Abram Brower in reference to fee bills.

Which,

On motion,

Was referred to the committee on Fees and Salaries.

On motion by Mr. Gibson,

The House adjourned.

WEDNESDAY MORNING, }  
February 4, 1852. }

The House met.

The journal of the preceding day was read.

PETITIONS AND MEMORIALS PRESENTED.

By Mr. Helmer:

The memorial of sundry citizens of this State, on the subject of temperance;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Sumner:

The petition of sundry citizens of Marshall county relative to the salary of county auditors;

Which,

On motion,

Was referred to the committee on Fees and Salaries.

By Mr. Holliday of Blackford,

Two temperance memorials, from sundry ladies and gentlemen of Blackford county;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Graham:

The petition of sundry citizens of Knox county, asking the Legislature to attach a part of Knox county to the county of Pike;

Which,

On motion,

Was referred to the same select committee heretofore appointed on that subject.

By Mr. Nelson:

The temperance memorial of a large number of citizens of Allen county;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Stevens:

The temperance memorial of 16 persons from Decatur county;

Which,

On motion,

Was referred to the committee on Temperance.



## REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary committee, to whom was referred a bill "authorizing railroad companies to borrow money and secure the repayment thereof by mortgage," with the amendments to the same, have had the subject under consideration, and a majority of said committee have instructed me to submit the following

## REPORT.

An important object sought to be attained by the framers of the Constitution of the State, was to generalize legislation, and the past legislative history of the State is pregnant with evidences of the wisdom and necessity of that policy.

In considering the bill as amended, the committee deem it their duty to inquire into its constitutionality, as well as the expediency of its enactment, and a majority of the committee are of the opinion that the bill conflicts with the Constitution—

*First.* Because it proposes to amend private and special acts of incorporation by an increase of their powers;

*Second.* Because the bill confers on artificial persons, created by the laws of this State, powers the extent of the exercise of which are made immediately dependent on other legislation than that from which they derive their corporate existence;

*Third.* Because such legislation as that contemplated by the bill is special upon a subject which, by an express provision of the Constitution, shall not be the subject of a special law.

The committee also consider the passage of the bill inexpedient, because it embraces but one feature of what should be a general law on the subject of corporations.

In support of the first objection, it may be said that the general policy and spirit of the Constitution requires of the legislature to aim at a system of general laws of uniform operation throughout the State, conferring on no man, or class of men, franchises which, on the same terms shall not belong equally to all citizens. If the Constitution prohibits acts of special incorporation, it would certainly be in violation, at least of the spirit of that instrument, for the Legislature, by any enactment affecting only a portion of the citizens of the State, to perpetuate franchises already granted, by

the amendment of the acts that conferred them, and by their enlargement. If the Constitution does not prohibit in express terms the amendment of private acts of incorporation, it does in spirit.

The 13th section of the 11th article of the Constitution provides that "corporations, other than banking, shall not be created by special act, but may be formed under general laws." It will be observed that the word corporation applies to municipal as well as private. The 4th division of the schedule provides that "all acts of incorporation for municipal purposes shall continue in force under this constitution, until such time as the General Assembly shall, in its discretion, modify or repeal the same." It could hardly be contended that the framers of the Constitution intended to confer rights on the then existing private corporations which were to be withheld from municipal corporations, and yet it is manifest that the Legislature cannot enlarge the powers of a municipal corporation, but may do either of three things: continue such corporation in existence with the powers previously possessed, modify those powers, or repeal the acts of incorporation. If the Legislature *has* the power of amending private acts of incorporation, and enlarging their powers, the equalization of legislative franchises can only be effected by the exercise of a sound legislative discretion. Again, it has always been contended, and perhaps correctly, by those enjoying the benefits of private corporate rights, that the Legislature has not the power to repeal the act that created them, and that such acts were rather in the nature of contracts between individual citizens and the State, than of ordinary legislation. The citizens, therefore, enjoying such rights, and desiring the benefits of general laws on the same subject, have only to surrender their special franchises and come under the general laws, with the body of the citizens of the State.

As to the second objection, it may be said that corporations are the creatures of legislation, and can only properly exercise the powers expressly conferred by the Legislature, or necessarily incidental powers. To authorize directly the enlargement of these powers by the legislation of another State would in effect be making the law that created them, as to the extent of the exercise of their powers, dependent on other than the legislative power that created them. This objection, however, is necessarily involved in the consideration of the first. But whatever may be the opinion of the House on the first two objections, the committee presume that no doubt can be entertained of the sufficiency of the last objection.

The 22d section of article four, provides that "the General Assembly shall not pass local or special laws in any of the following cases," and among the cases enumerated is "in relation to interest on money." No special law, then, can be passed in relation to interest on money. Are the provisions of this bill on the subject of interest, general or special; if general, they apply to every natural and artificial person of the State. The bill only applies to railroad, plank road, turnpike road, and McAdamized road companies, and to

no other artificial, and no natural person of the State. So far as the question of interest is concerned, it is as to that subject a special law. The Legislature can enact none other than a general law on the subject of interest, and as a necessary consequence, this law being specially applicable to only artificial persons, is manifestly unconstitutional.

The committee ask to be discharged from the further consideration of the subject.

Mr. McDonald moved to lay the report on the table.

A message from the Senate by Mr. Dunn, their secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the committee on free conference, to whom was referred the disagreement of the two houses upon engrossed amendments of the Senate to engrossed bill of the House No. 17, entitled,

An act to provide for the appointment of a reporter, and a speedy publication of the decisions of the supreme court.

On motion by Mr. Beach,  
The House adjourned until 2 o'clock, P. M.

---

2 o'clock, P. M.

The House met.

By unanimous consent of the House,

Mr. Gibson, from the committee on Free Conference, made the following report:

**MR. SPEAKER:**

The committee of Free Conference, to whom was referred the matters of disagreement arising out of the amendments of the Senate to bill No. 17 of the House, have had that subject under consideration, and unanimously agree to report the following amendments, the adoption of which they respectfully recommend:

Amend as follows:

In the 4th line of section 6 of the original bill, strike out the words,

“two dollars and fifty cents,” and insert in lieu thereof the words, “three dollars.”

Retain the 7th section of the original bill and the amendment of the Senate hereto, with the following amendment:

Strike out the word “four,” before the word dollars, and insert the word “three” in lieu thereof and add the following proviso to said section:

*Provided, however,* That nothing in this act shall be so construed as to prevent any public newspaper of this State from publishing brief abstracts of the decisions of the Supreme Court, or the Legislature or judges of said Court from directing the publication of any particular decision thereof, if deemed of public importance.

The amendments were adopted, and the report concurred in by the House.

Ordered that the clerk inform the Senate thereof.

The Speaker laid before the House the following communication and report from James Blake, President of the Board of Trustees of the Indiana Hospital for the Insane.

TO HON. JOHN W. DAVIS,

*Speaker of the House of Representatives:*

SIR:—The following report in reply to a resolution adopted by the House of Representatives, relative to the Indiana Hospital for the Insane, you will please present to the honorable body over which you preside.

Respectfully submitted,

JAMES BLAKE,

INDIANAPOLIS, Feb. 4, 1852.

*President.*

INDIANA HOSPITAL FOR THE INSANE, }  
January 31, 1852. }

TO JAMES BLAKE, ESQ.,

*President of the Board of Commissioners of the  
Indiana Hospital for the Insane:*

SIR:—I am in receipt of yours of the present instant, enclosing a resolution adopted by the House of Representatives, asking a statement of the number and names of persons employed in said institution, the duties assigned to each, and salaries and wages paid to each annually; also, a statement of the indebtedness of the institution at the close of the last year, and the probable current expenses for maintaining the institution for the present year.

Below you will please find the information contemplated in the foregoing resolution:

*Names of Resident Officers and other persons employed in the Indiana Hospital for the Insane, January 31, 1852. (In all cases, boarding and furnished apartments are included, except with the Superintendent, who furnishes his own apartments.)*

<i>Names.</i>	<i>Service.</i>	<i>Compensation.</i>
		PER ANNUM.
Richard J. Patterson..	Superintendent and Physician..	\$1,200 00
Thomas B. Elliott....	Assistant Physician.....	600 00
Isaac H. Shimer.....	Steward.....	400 00
Mrs. L. A. Elliott....	Matron.....	400 00
		PER MONTH.
Edward Thomas.....	Supervisor, male patients' wards	25 00
James Doak.....	Attendant in patients' wards..	20 00
James Dill.....	... do ..... do .... do ...	20 00
Vincent Gentile.....	... do ..... do .... do ...	20 00
Gottlieb Harrison....	... do ..... do .... do ...	20 00
Franklin Clarke.....	... do ..... do .... do ...	15 00
Vincent Chamberlin..	... do ..... do .... do ...	15 00
		PER WEEK.
Lucy Swarm.....	... do ..... do .... do ...	2 50
Catharine Brown....	... do ..... do .... do ...	2 50
Mary Fink.....	... do ..... do .... do ...	2 50
Sarah J. Dill.....	... do ..... do .... do ...	2 50
Jane Gunning.....	... do ..... do .... do ...	2 50
Mary Murphey.....	... do ..... do .... do ...	2 50
Ellen Canfield.....	... do ..... do .... do ...	2 50
Nancy Barker.....	... do ..... do .... do ...	2 50
Martha Clarke.....	Ironer.....	2 00
Elizabeth Lickard....	.. do .....	2 00
Catharine Barker....	Seamstress.....	2 00
Mary Mullen.....	Washer .....	2 00
Julia Giniber.....	.. do .....	2 00
Magdalena Warninger,	Dining-room girl .....	1 75
Mary Lyra.....	Chambermaid .....	2 00
		PER MONTH.
Harmon Stelting.....	Teamster .....	12 00
Elijah Foster.....	Engineer and Fireman.....	30 00
Wm. Kenneday .....	Fireman .....	15 00
J. H. Conaway.....	Baker .....	20 00
Geo. Wheeling.....	Washer ..	15 00
Henry Schwartz.....	Laborer on farm &c. ....	12 00
M. Winchester.....	Care of stock—laborer, &c. ..	12 00
Jacob Arnold.....	Colored cook.....	25 00
Henry Steward.....	Colored assistant cook.....	10 00

In addition to the foregoing, the services of a carpenter are required, most of the time, at a compensation of one dollar and fifty cents per day, boarding not included. Also, there is, *at this time*, employed a nurse girl, at a compensation of fifty cents per week, in the care of David Carpenter, who was sent to the institution at the age of three months, in company with his mother, from the county of Vigo. The mother died while a patient in the institution, and the clerk of the Vigo circuit court, who forwarded both mother and son, (the latter without authority,) has refused to take back the child, who remains a supernumerary in the care of the institution.

At the close of the last fiscal year there were outstanding debts against the institution as follows:

Loan authorized by the last Legislature, on condition that it should be refunded from the revenues accruing to the Hospital for the year 1852.....	\$10,000
The loans by the commissioners for Hospital purposes, which will fall due March, 1852, each \$4,000.....	8,000
There were also miscellaneous outstanding debts amounting to about.....	2,000
Total amount of indebtedness.....	<u>\$20,000</u>

It is estimated that it will cost for the support of the institution, about *one hundred dollars per annum*, for each patient properly supported, attended and cared for, with a view to restoration of health, where restoration is possible.

There are at this date, one hundred and sixty-three patients in the care of the institution, and there may be expected at least an average of one hundred and sixty, during every day of the year. The estimated amount of expenses for the support of the institution the present year is therefore *sixteen thousand dollars*.

Respectfully submitted,

RICHARD J. PATTERSON,

*Superintendent.*

On motion by Mr. Beach,

The above communication and report were laid on the table and ordered to be printed.

The Speaker laid before the House the following communication and report from E. R. Ames, President of the Board of Trustees of the Asylum for the Deaf and Dumb:

HON. J. W. DAVIS,

*Sir*:—Permit me, through you, to lay before the Legislature the enclosed report, in answer to a resolution of the House calling for information in regard to the Deaf and Dumb Asylum.

Respectfully,

E. R. AMES,

*Pr. B. Trustees.*

FEBRUARY 3d, 1852.

*To the Honorable,*

*The House of Representatives of the State of Indiana:*

GENTLEMEN:—The Trustees of the Asylum for the education of the Deaf and Dumb, in compliance of the resolution of the House, requesting a report of the number and names of persons employed in said Institution, the duties assigned to each, the salaries and wages paid to each annually; also, the indebtedness of the Institution, at the close of the last year, and the probable current expenses of maintaining the Asylum for the present year, submit the following report, marked A, B, C.

E. R. AMES, *Pres't. B. Tr.*

# A

A list of persons employed by the Trustees of the Indiana Asylum for the education of the Deaf and Dumb, their duties and compensation.

Jas. S. Brown, Superintendent, .....	\$1,200 00	per year.
Wm. Willard, 1st Assistant, (mute).....	800 00	" "
Chas. Axtell, 2d " .....	700 00	" "
Wm. H. Demott 3d " .....	475 00	" "
Jer. B. Tingley, 4th " .....	475 00	" "
M. M. Hanson, 1st Monitor, (mute).....	350 00	" "
Cyrus McCarter 2d " " .....	200 00	" "
Livingston Dunlap, M. D. Physician, fees about	300 00	" "
Miss Lucy Jameson, Matron, .....	300 00	" "
Mrs. T. M. Brown, House-keeper, .....	300 00	" "
John Tarlton, Farmer, .....	25 00	per month.
Thos. Wood, Gardener, .....	26 00	" "
Mary E. Colly, Nurse, .....	8 50	" "
Jas. Spencer, Cook, .....	25 00	" "
B. Cook, Assistant Cook, .....	15 00	" "
Daniel Harrington, Fireman, .....	14 00	" "
C. Schroeder, Teamster, .....	14 00	" "

• Bridget Nugent, Domestic,.....	8 50	per month.
Honora Ryan, ".....	8 50	" "
Ellen Tingley, ".....	8 50	" "
Katharine Karker, ".....	8 50	" "
Ellen Kriger, ".....	8 50	" "
Mary J. Hatton " (mute) .....	4 00	" "

## B

Indebtedness of the Institution for the year ending October 31st, 1851.

For labor, and materials for constructing and furnishing the buildings of the Institution,...	\$19,460 11
One years' interest on the same,.....	1,167 60
Due by boarding department,.....	1,500 00
Money loaned,.....	23,774 62
	<hr/>
	\$45,902 33
From which deduct probable revenue accruing under the law of last session,.....	40,000 00
	<hr/>
	\$5,902 33

## C

Probable expenses for the year ending October 31st, 1852:

Salaries of officers,.....	\$4,800 00
Boarding department and other expenses	9,000 00
Erection of work shops,.....	7,000 00
Passages to connect buildings,.....	2,400 00
Rough casting present buildings,.....	4,000 00—\$27,200 00
	<hr/>
Total.....	\$33,102 33
The above calculation would leave the Asylum without funds in October next. To prevent this, it will be necessary to provide for the expenses of 1852-'3,	13,000 00
	<hr/>
Am't. to be provided for by revenue law of present session,	\$46,102 33
	<hr/>



On motion by Mr. Buskirk,

The foregoing report and communication were laid on the table, and ordered to be printed.

On motion by Mr. McDonald,

The special order for this hour, viz:

House bill No. 93. A bill to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant ;

Was postponed until; and made the special order of the day for Friday the sixth inst., at ten o'clock, A. M.

Mr. McDonald then withdrew his motion, made before the last adjournment, to lay upon the table the report of the Judiciary committee, in relation to House bill No. 42.

The question was then put on discharging the committee from further consideration of the subject ;

And decided in the affirmative.

The question then being on concurring in the amendments of the Senate to the bill ;

Mr. Smith of Spencer submitted the following amendment to the amendments of the Senate :

SEC. —. The provisions of this act shall extend to all incorporated companies of this State, whether created by special or general law, or for private or municipal purposes.

Which was disagreed to.

Mr. Stuart submitted the following amendment to the amendments of the Senate :

SEC. —. Before any of the companies contemplated by this act shall be entitled to avail themselves of the provisions thereof, they are hereby required to file in the recorder's office of each of the counties through which such road passes a written relinquishment of the right of way, under their corporate seals to any and all county roads plank roads, and railroads across their track—such roads, so crossing, to pay the expenses incident to such crossing, to be estimated by a jury.

SEC. —. The privileges and provisions of this bill shall be extended to all corporations now existing or that may hereafter exist under the laws of this State.

Mr. Withers called the previous question ;

Which was seconded by the House.

The question being, Shall the main question be now put?

It was decided in the affirmative.

The main question being put, shall the amendment to the amendment submitted by Mr. Stuart be adopted?

The ayes and noes were demanded by Messrs. Donaldson and Holman.

*Those who voted in the affirmative were,*

Messrs. Beeson, Brady, Buskirk, Crawford, Dobson, Donham, English, Gibson, Hay of Clark, Henry, Holman, Hostetter, Huffstetter, Hunt, Kent, Laverty, Leviston, Lewis, Litchfield, Major, Manson, McAllister, McDonald, Miller, Owen, Porter, Ray, Schoonover, Smith of Spencer, Smith of Marion, Staton, Stuart, Sumner, Taggart, Williams, Wilson, and Mr. Speaker—37.

*Those who voted in the negative were,*

Messrs. Beane, Behm, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis, Dice, Donaldson, Doughty, Douthit, Eccles, Geddes, Gookins, Goudy, Graham, Gunn, Hays of White, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Hudson, Huey, King, Lawrence, Lindsay of Howard, Mayfield, McConnell, McDowell, Morris, Nelson, Reynolds, Shanklin, Stanfield, Stevens, Stover, Struble, Suit, Sweet, Thompson, Walker, Watson, and Wells—46.

So the amendment was not adopted.

The question then recurred on concurring in the amendments of the Senate,

And being put,

The ayes and noes were demanded by Messrs. Holman and Reynolds.

*Those who voted in the affirmative were,*

Messrs. Beane, Behm, Brady, Bryant, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Geddes, Gookins, Graham, Gunn, Hay of Clark, Hays of White, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Hunt, King, Lawrence, Leviston, Lewis, Lindsay of Howard, Manson, Mayfield, McConnell, McDonald, McDowell, Miller, Morris, Nelson, Owen, Reynolds, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Thompson, Walker, and Watson—60.

*Those who voted in the negative were,*

Messrs. Beeson, Buskirk, Crawford, Foster, Gibson, Hanna, Henry, Holman, Huffstetter, Kent, Lavery, Litchfield, Major, McAllister, Porter, Ray, Schoonover, Smith of Spencer, Stuart, Taggart, Wells, Williams, Wilson, and Mr. Speaker—24.

So the amendments of the Senate were concurred in.

Ordered, that the clerk inform the Senate thereof.

Mr. Stuart, chairman of the committee on the Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The committee on the Organization of Courts, to whom was re-committed House bill No. 122, with instructions to strike out the section relating to the appointment of students to the University, and also the sections relating to extra allowances to clerks and sheriffs, have directed me to report that they have amended the bill agreeably to the instructions of the House, and thus amended, respectfully recommend its passage.

No. 122. A bill to provide for the organization of County Boards, and defining their powers and duties.

The question then being, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hudson, Huey, Hunt, Kent, King, Lavery, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McDonald, Morris, Nelson, Owen, Porter, Ray, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—77.

*Those who voted in the negative were,*

Messrs. Buskirk, Cockrum, Davis, Hostetter, Huffstetter, Lawrence, McDowell, Miller, Schoonover, and Withers—10.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

The Speaker laid before the House the following communication and report from George W. Mears, chairman of the Board of Trustees of the Institute for the Blind, in obedience to a resolution of the House :

INSTITUTE FOR THE BLIND, }  
INDIANAPOLIS, Feb. 4, 1852. }

HON. JOHN W. DAVIS,  
*Speaker House of Representatives :*

SIR:—Please lay the enclosed reply before the House.

Very respectfully,

GEORGE W. MEARS,  
Chairman.

INDIANA INSTITUTE FOR THE BLIND, }  
INDIANAPOLIS, February 4, 1852. }

HON. JOHN W. DAVIS,  
*Speaker of the House of Representatives :*

SIR:—In reply to a resolution of the House of Representatives on that subject, I have the honor to state that the following are the persons employed in the Indiana Institute for the Education of the Blind, the duties assigned to each, and the salaries and wages they are receiving annually:

William H. Churchman, Principal, per annum.....	\$1,000
(Of which sum \$200 a year is not paid over to him until the main building is finished—and the boarding, &c., of himself and family.).....	
B. M. Fay, Literary Instructor, (without boarding)....	700
Miss E. M. Curtis, Assistant Instructor (with boarding) ..	200
L. S. Newell, Instructor in Music (without boarding)....	700

Mrs. M. G. Demoss, Matron, (with boarding of self and daughter).....	250
S. McGiffin, Master Mechanic (with boarding).....	300
Michael Courtney, Teacher of Willow Work, per month,	10

In regard to the domestic department, it seems appropriate to state that the number of persons, and amount paid, varies according to the efficiency of those employed by the Superintendent, that blind pupils require much more care as to their persons, clothing, &c., than seeing pupils do—while at the same time, if there was room in the Institute, a large additional number of pupils could be instructed and maintained without much addition of teachers or other help. At present the following persons are employed in various duties connected with the institute as follows, per month:

Henry Auman, hand to procure marketing and general care	\$17 00
Mary Litching, cook.....	12 00
Maria Foust, workwoman.....	6 50
Amy Kehler, do .....	6 50
Jane Long, chambermaid.....	6 50
Mary Fisher, services in dining and other rooms about house.....	5 00
Maria Litching.....	4 25
Eda Kehler.....	1 25

From the estimate made of the amount of the revenue for the blind for the last year (1851) we state the indebtedness of the institute at the close of the fiscal year, ending the first of March next, when the revenue of 1851 was expected to be received to be \$3,-348 83, which arises from our having to anticipate the current revenue of 1851, in the construction of the main building, beside carrying on the regular operations of the institute in all departments.

The estimated amount required for maintaining the institute for the year 1852, in all its operations, is \$7,500. The amount required to complete the main building, \$19,000. The apparatus for heating, for gas lighting, out buildings, grading, fencing and furniture, will of course add considerably to this.

True economy would require as early a completion of the main building for the institute, and the appurtenances, at as early a date as the wants of the other institutions of benevolence, and the condition of the finances of the State will justify.

Very respectfully,

GEO. W. MEARS,  
*Chairman of Board of Trustees.*

P. S.—I would add that there was allowed also for medical services to the pupils of the institute for the last year to Dr. George W. Mears, \$39 75.

On motion by Mr. Buskirk,

The above report and communication were laid on the table and ordered to be printed.

Mr. Owen from a select committee made the following report :

MR. SPEAKER :

The committee on Rules, who were instructed to report a rule regarding the disposition to be made of bills that may fail for lack of a constitutional majority, have had that subject under consideration, and have instructed me to report a rule.

59. If any bill shall fail for lack of a constitutional majority, it shall be competent for any member who shall have voted for said bill to call up the same at any time when the orders of the day are in order; and if, when so called up, it shall again fail for lack of a constitutional majority, it shall, at any future time when the orders of the day are in order, be competent for any member who shall have voted for the bill, to call up the same, a second time; but if, on such second trial, the bill shall again fail, for lack of a constitutional majority, then the bill shall be considered as rejected.

Mr. McDonald moved to lay the rule on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Reynolds and Manson.

*Those who voted in the affirmative were,*

Messrs. Beane, Behm, Cockrum, Cromwell, Davis, Gookins, Goudy, Graham, Gunn, Hay of Clark, Hays of White, Henry, Holladay of Parke, Holliday of Blackford, Holman, Kent, King, Lawrence, Lindsay of Howard, Litchfield, Mayfield, McAllister, McConnell, McDonald, Mudgett, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Stuart, Sweet, Torbet, Walker, Williams, Wilson, and Withers—41.

*Those who voted in the negative were,*

Messrs. Beach, Beeson, Brady, Bryant, Bulla, Buskirk, Cowgill, Crawford, Dice, Dobson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Hanna, Helmer, Hicks, Hudson, Huey, Hufferstetter, Hunt, Laverty, Leviston, Lewis, Major, Manson, McDowell,

Miller, Morris, Nelson, Owen, Porter, Shanklin, Stover, Suit, Sumner, Taggart, Thompson, Watson, Wells, and Mr. Speaker—44.

So the rule was not laid on the table,  
The question then being on the adoption of the rule,  
Mr. Stuart moved the House adjourn;  
And the question being put,  
The ayes and noes were demanded by ten members.

*Those who voted in the affirmative were,*

Messrs. Behm, Brady, Bryant, Davis, Donaldson, Gookins, Hay of Clark, Hays of White, Henry, Holladay of Parke, Hostetter, Hudson, Huffstetter, Kent, Lewis, Mayfield, McAllister, McConnell, McDonald, Mudget, Owen, Porter, Reynolds, Smith of Marion, Stevens, Stover, Stuart, Sweet, and Wilson—29.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Beeson, Bulla, Buskirk, Cockrum, Cowgill, Crawford, Cromwell, Dice, Dobson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Helmer, Hicks, Holliday of Blackford, Holman, Huey, Hunt, King, Laverty, Lawrence, Leviston, Lindsay of Howard, Litchfield, Major, Manson, McDowell, Miller, Morris, Nelson, Ray, Schoonover, Shanklin, Smith of Spencer, Spencer, Stanfield, Staton, Struble, Suit, Sumner, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Withers, and Mr. Speaker—59.

So the House refused to adjourn.

Mr. Stuart moved to postpone the further consideration of the subject until to-morrow, 2 o'clock.

Mr. English called the previous question,

Which was seconded by the House, and

The main question ordered,

The main question being put, Shall the rule be adopted?

The ayes and noes were demanded by Messrs. Stuart and Graham.

*Those who voted in the affirmative were,*

Messrs. Beeson, Brady, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Dice, Dobson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Goudy, Graham, Hanna, Hay of Clark, Helmer, Hicks, Huey, Huffstetter, Hunt, Laverty, Lawrence, Leviston, Lindsay of Howard, Major, Manson, McDowell, Miller, Mor-

ris, Nelson, Owen, Porter, Shanklin, Spencer, Stover, Struble, Suit, Sumner, Taggart, Watson, Wells, Wilson, and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Beane, Behm, Bulla, Cromwell, Donaldson, Gookins, Gunn, Hays of White, Henry, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Kent, Litchfield, McAllister, McConnell, McDonald, Mudgett, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stuart, Sweet, Thompson, Walker, Williams, and Withers—32.

So the rule was adopted.

A message from the Governor by Mr. King, executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 28. An act to repeal the 11th, 12th, and 13th sections of an act to amend an act entitled an act to amend the act entitled an act to incorporate the city of Fort Wayne, and all acts and parts of acts amendatory thereto.

No. 92. An act relative to arbitrations and umpirages.

Which bills originated in the House.

On motion by Mr. Beeson,  
The House adjourned.



THURSDAY MORNING, 9 o'clock, }  
February 5, 1852. }

The House met.

The Journal of the preceding day was read.

#### PETITIONS AND MEMORIALS PRESENTED

By Mr. Sumner,

The petition from citizens of Stark county, on the subject of a State road.

Which,

On motion,

Was referred to the committee on Roads.

By Mr. Davis of Franklin :

The petition of sundry citizens of Harrison township, Dearborn county, relative to school tax ;

Which,

On motion,

Was referred to the committee on Education.

#### REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the committee on the Judiciary, returned to the House

No. 58. A bill providing for laying out, opening, and working on, changing and vacating highways, the erection of bridges, the officers entrusted with the care and superintendence of highways and bridges, the election, appointment, and duties of supervisors, &c.;

With amendments suggested by said committee.

On motion by Mr. Holman,

The bill and amendments were referred to the committee on Roads.

Mr. Wells, from the committee on Agriculture, made the following report:

MR. SPEAKER:

The committee on Agriculture have directed me to report the following bill, and recommend its passage :

No. 129. A bill for the recovery of property removed by high water ;

Which was read a first time and passed to a second reading.

#### RESOLUTIONS OF THE HOUSE.

On motion by Mr. Spencer,

*Resolved*, That the use of the Hall of the House of Representatives be and is hereby tendered for the purpose of holding a meeting on the subject of Colonization, by the citizens of this State, on this evening, at 7 o'clock.

On motion by Mr. Cowgill,

*Resolved*, That the Judiciary committee be instructed to inquire into the propriety and expediency of enacting a law making it a special offence for any person who holds property in trust for another to dispose of such property, without fully accounting for the proceeds thereof, and report to this House by bill or otherwise.

On motion by Mr. Hay of Clark,

*Resolved*, That the committee on Benevolent and Scientific Institutions be requested to report to this House the extent of damage done to the Insane Hospital by the fire which occurred in said building on the morning of February 2d, and also the probable cause of said fire.

On motion by Mr. Watson,

*Resolved*, That the committee on Manufacturing take into consideration the necessity of fixing some standard weight per bushel for stone coal, for the purpose of regulating commercial transactions in that article.

Mr. Withers offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so changing the present law, that the

constable of one county may be permitted to pursue persons escaping into another county, and serve the writ there, without endorsement from any justice in the county to which such persons may have fled.

Which was not adopted.

Mr. Struble offered the following resolution :

*Resolved*, That after next Saturday this House shall meet at half past 8 o'clock.

Which was not adopted.

#### JOINT RESOLUTIONS INTRODUCED.

By Mr. Davis of Franklin :

No. 20. A joint resolution in relation to the election of United States Senator, by the people of the States ;

Which was read a first time and passed to a second reading.

By Mr. English :

No. 21. A joint resolution on the subject of the swamp lands granted by the United States to the State of Indiana, by an act of Congress approved September 28th, 1850 ;

Which was read a first time, and passed to a second reading.

By Mr. Torbet :

No. 22. A joint resolution instructing our Senators, and requesting our Representatives in Congress to use their influence and exertions to obtain a grant of public lands to aid in the construction of certain railroads ;

Which was read a first time, and passed to a second reading.

By unanimous consent of the House,  
Mr. Behm obtained leave and introduced,

No. 130. A bill to amend an act, entitled an act to incorporate the LaFayette Bridge Company.

Which was read a first time and passed to a second reading.

By unanimous consent of the House,  
Mr. Mayfield obtained leave and introduced,

No. 131. A bill granting to all incorporated companies of this State, which possesses by virtue of their corporate powers the right to build steam boats and other vessels the further right to construct and use Marine rail ways and all other fixtures, apparatus and machinery that may be necessary or useful in the building, repairing or launching of steam boats or other vessels.

Which was read a first time, and passed to a second reading.  
By unanimous consent of the House,  
Mr. Torbet obtained leave and introduced,

No. 132. A bill to postpone the day of the beginning of the Dearborn Circuit Court for the February term, 1852.

Which was read a first time.

Mr. Torbet presented a petition relative to the subject of the bill from the attorneys, officers and people of Lawrenceburgh, Dearborn county.

Mr. Torbet moved to suspend the rule and read the bill a second time now,

And the question being put,

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Cowgill, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hays of White, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hudson, Huey, Hunt, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—76.

*Those who voted in the negative were,*

Messrs. Beeson, Cockrum, Crawford, Hay of Clark, Helmer, Huffstetter, Staton, and Withers—8.

So the rule was suspended, and the bill was read a second time.

Mr. Torbet moved to suspend the rule and read the bill a third time now.

And the question being put ;

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Buskirk, Carpenter, Cowgill, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Gunn, Graham, Hanna, Hays of White, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Hunt, Kent, King, Lavery, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, and Wilson—75.

*Those who voted in the negative were,*

Messrs. Bulla, Cockrum, Crawford, Geddes, Hay of Clark, Helmer, Lawrence, McDowell, Staton, Thompson, Withers, and Mr. Speaker—12.

So the rule was suspended and the bill read a third time.  
The question being put, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Brady, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Mr. Speaker—82.

Mr. Withers voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Spencer, in pursuance of previous notice, obtained leave and introduced

No. 133. A bill providing for the establishment of a system of circuit probate courts;

Which was read a first time, and passed to a second reading.

The Speaker laid before the House the following communication and the pamphlet therein referred to, from the President of the Madison and Indianapolis Railroad Company.

INDIANAPOLIS, February 5, 1852.

SIR:—I have procured a copy of the pamphlet referred to in the House resolution of the 28th ultimo, and now have the honor to furnish you therewith.

Very respectfully,

JOHN BROUGH,  
*President M. & I. Railroad Co.*

HON. J. W. DAVIS,  
*Speaker House of Representatives, Indianapolis.*

On motion by Mr. English,

The pamphlet was laid on the table.

The hour having arrived, the House proceeded to the special order of the day, on House bill

No. 82. A bill to enable the Madison and Indianapolis Railroad Company to avoid the inclined plane at Madison, to provide for the sale of the interest of the State in said railroad, and to repeal, so far as affects the Madison and Indianapolis Railroad Company, the 55th and 58th sections of the act entitled an act for the continuance and construction of all or any part of the public works of this State, by private companies, and for abolishing the Board of Internal Improvements, and the offices of Fund Commissioner and Chief Engineer, approved January 28, 1842.

Mr. English moved to postpone the special order for this hour, on House bill No. 82, until Monday next, and make it the special order for that day at 10 o'clock, A. M.

Which motion did not prevail.

Mr. Gunn moved to refer the bill to a select committee of five.

Which was disagreed to.

Mr. English moved to recommit the bill to the committee on Corporations with the following instructions:

Amend the bill so that the interest of the State shall be offered for sale at public auction under the direction of the Governor, Auditor, Treasurer, and Agent of State; who shall fix upon such time and place for said sale, and shall give such notice thereof as in their judgment will be most conducive to the interest of the State. Also, to insert a provision that no first bid shall be received at any such public sale of the State's interest in said road, for less than \$325,000 in money; or, if in bonds of the State, the sum of \$600,000, which shall be stocks chargeable in whole upon the revenue of this State.

Said committee, if they deem it expedient, shall provide for the payment of the purchase money by instalments; but at least one-eighth shall be paid down, and the balance to draw interest to the State until paid; to be wholly paid by 1857, and to be secured by mortgage on the State's interest sold.

And the question being put, to refer the bill with the instructions,  
The ayes and noes were demanded by Messrs. English and Gunn.

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Brady, Bulla, Cowgill, Crawford, Dice, Dobson, Douthit, Eccles, English, Gibson, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Huey, Hunt, Lawrence, Lewis, Litchfield, Manson, McAllister, McConnell, Miller, Nelson, Porter, Smith of Marion, Smith of Spencer, Staton, Sweet, Torbet, Walker, Watson, Wells, Williams, and Mr. Speaker—42.

*Those who voted in the negative were,*

Messrs. Beach, Beeson, Behm, Bryant, Buskirk, Carpenter, Cockrum, Cromwell, Davis, Donaldson, Donham, Doughty, Foster, Geddes, Gookins, Graham, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Humphreys, Kent, King, Lavery, Leviston, Lindsay of Howard, Major, Mayfield, McDonald, McDowell, Morris, Mudgett, Owen, Ray, Reynolds, Schoonover, Shanklin, Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Taggart, Thompson, Wilson, and Withers—50.

So the bill was not so referred with the instructions.

The question then recurred on the engrossment of the bill,

And being put,

It was decided in the negative.

By unanimous consent of the House,

Mr. Stuart obtained leave and introduced,

No. 134. A bill to divide the State into supreme court Districts, and define the limits thereof.

Which was read a first time, and passed to a second reading.

The Speaker laid before the House the following communication and report from the Auditor of State.

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, February 4, 1852. }

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives :*

SIR:—In compliance with a resolution of the House, to-wit :

*Resolved*, That the Auditor of State be requested to procure, at the earliest practicable period, from the Auditor of each county, the amount of road tax and road labor of his county for the year 1851 ; the number of supervisors in his county, and the amount allowed to each for services as such, during the year aforesaid, and lay such information before this House as soon as the same can be procured.

I have the honor to report the following :

<i>No. of County.</i>	<i>Counties.</i>	<i>Road tax on duplicate, 1851.</i>	<i>Days of extra road labor.</i>	<i>No. of supervisors</i>	<i>Total amount paid supervisors for services.</i>
1	Adams .....	5,029 23	.....	.....	.....
2	Allen.....	10,208 69	.....	121	.....
3	Bartholomew.....	2,463 43	4,082	70	350 00
4	Benton.....	.....	248	7	22 00
5	Blackford.....	1,266 47	940	27	75 11
6	Boone.....	1,994 79	4,696	91	236 02
7	Brown.....	.....	130	26	69 10
8	Carroll.....	2,472 00	3,000	106	266 69
9	Cass.....	2,316 75	3,803	83	177 05
10	Clark.....	.....	.....	.....	.....
11	Clay.....	.....	.....	.....	.....
12	Clinton.....	1,624 81	3,200	91	304 80
13	Crawford.....	.....	2,568	34	123 04
14	Daviess.....	.....	.....	49	.....
15	Dearborn.....	11,151 15	4,500	175	.....
16	Decatur.....	.....	.....	.....	.....
17	DeKalb.....	5,189 22	1,357	.....	.....
18	Delaware.....	3,246 18	4,200	98	487 38
19	Dubois.....	.....	.....	.....	.....
20	Elkhart.....	5,432 95	1,531	127	.....
21	Fayette.....	1,908 70	3,220	61	267 49
22	Floyd.....	1,273 50	1,200	32	219 63
23	Fountain.....	3,205 61	4,350	81	299 89
24	Franklin.....	5,234 52	.....	84	635 02
25	Fulton.....	1,135 67	.....	62	.....
26	Gibson.....	.....	.....	60	.....



<i>No. of County.</i>	<i>Counties.</i>	<i>Road tax on duplicate, 1851.</i>	<i>Days of extra road labor.</i>	<i>N<sup>o.</sup> of supervisors</i>	<i>Total amount paid supervisors for services.</i>
27	Grant.....	2,175 90	3,960	75	325 91
28	Greene.....		1,960	70	61 50
29	Hamilton.....				
30	Hancock.....	453 34	2,850	76	201 25
31	Harrison.....		3,727	60	415 57
32	Hendricks.....	1,894 98	6,494	127	245 19
33	Henry.....	3,003 95	5,184	110	363 20
34	Howard.....		1,300	56	196 00
35	Huntington.....				
36	Jackson.....		3,400	87	188 82
37	Jasper.....	267 15		30	56 25
38	Jay.....	2,982 62	2,900	80	
39	Jefferson.....	2,559 81		100	
40	Jennings.....				
41	Johnson.....	1,597 47		90	405 00
42	Knox.....	1,166 95	2,345	104	176 18
43	Kosciusko.....	5,099 91			
44	Lagrange.....	2,567 58		104	
45	Lake.....				
46	Laporte.....	3,074 42	3,105	78	279 75
47	Lawrence.....			75	
48	Madison.....	3,331 17	4,238	105	183 75
49	Marion.....	827 51	5,641	109	292 34
50	Marshall.....	2,683 76	2,000	54	145 00
51	Martin.....				
52	Miami.....				
53	Monroe.....			77	215 47
54	Montgomery.....	2,385 15	7,640	74	354 56
55	Morgan.....			73	
56	Noble.....	4,802 10			
57	Ohio.....	884 78	1,546	45	
58	Orange.....			54	200 00
59	Owen.....			88	
60	Parke.....	2,254 15	6,610	120	270 00
61	Perry.....			86	
62	Pike.....	564 24		29	
63	Porter.....	840 04		50	
64	Posey.....				
65	Pulaski.....	109 41		22	25 02
66	Putnam.....	2,612 68		107	325 51
67	Randolph.....	3,948 73	5,945	108	391 63
68	Ripley.....				
69	Rush.....	2,654 40	4,926	121	384 68
70	Scott.....	982 43	1,816	37	111 00
71	Shelby.....	3,365 33		124	184 50
72	Spencer.....				
73	Starke.....		160	7	
74	Steuben.....				
75	St. Joseph.....	2,113 69		58	89 52
76	Sullivan.....				
77	Switzerland.....	1,930 08		104	
78	Tippecanoe.....	4,780 99	4,207	58	485 33
79	Tipton.....				
80	Union.....	1,394 89		40	
81	Vanderburgh.....		2,371	43	156 95
82	Vermilion.....	1,049 66		55	171 74
83	Vigo.....		9,570	76	239 93
84	Wabash.....	3,047 27			
85	Warren.....	2,221 06		54	270 00
86	Warrick.....	695 17		70	
87	Washington.....			147	73 96
88	Wayne.....	4,383 65	6,000	104	800 23
89	Wells.....				
90	White.....		1,490	34	94 67
91	Whitley.....	3,760 31		63	

It will be seen from the table, that many of these reports are imperfect: several counties have only furnished a single item of the information desired, and from others no report has been received. Much of this difficulty arises from the great variety of local laws in operation—some transferring the road business to the township trustees, and all failing in securing proper returns and accountability on the part of supervisors.

Respectfully,  
E. W. H. ELLIS,  
*Auditor of State.*

On motion by Mr. Stanfield,  
The report was laid on the table, and 150 copies ordered to be printed.

#### ORDERS OF THE DAY.

##### *House bills on third reading.*

No. 16. A joint resolution asking a more liberal construction of the act of Congress of May 9, 1848;

Was read a third time.

The question being, Shall the joint resolution pass?

##### *Those who voted in the affirmative were,*

Messrs. Barker, Beane, Brady, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dobson, Donaldson, Donham, Eccles, English, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hudson, Huey, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Litchfield, Major, Mayfield, McAllister, McDonald, Nelson, Owen, Ray, Schoonover, Shanklin, Smith of Marion, Spencer, Staton, Stevens, Struble, Sweet, Taggart, Thompson, and Watson—59.

##### *Those who voted in the negative were,*

Messrs. Beach, Beeson, Behm, Dice, Douthit, Foster, Hays of White, Hostetter, Huffstetter, Lindsay of Howard, Manson, McConnell, McDowell, Mudgett, Porter, Reynolds, Smith of Spencer, Stover, Stuart, Suit, Torbet, Walker, Wells, Williams, Wilson, Withers, and Mr. Speaker—27.

So the joint resolution passed.

Ordered that the Clerk inform the Senate thereof.

#### SENATE BILLS ON SECOND READING.

No. 67. A joint resolution directing the publication of the Constitution of this State;

Was read a second time, and ordered to a third reading.

By the unanimous consent of the House,  
Mr. Kent offered the following resolution :

*Resolved*, That, the Senate concurring, we will proceed to lay off the State into four judicial districts, for the election of supreme judges;  
Which was not adopted.

#### HOUSE BILLS ON SECOND READING.

No. 124. A bill to provide for the incorporation of towns, and defining the powers and duties of such corporations, also the duties of county auditors, treasurers, and clerks of the circuit court in relation to the same ;

Was read a second time.

On motion by Mr. Stover,  
The bill was referred to the committee on the Judiciary.

No. 125. A bill to regulate and limit the expenses of the State Benevolent Institutions ;

Was read a second time.

On motion by Mr. Nelson,  
The bill was referred to the committee on Benevolent and Scientific Institutions.

Mr. English called up Senate bill

No. 58. A bill providing for districting the State of Indiana into Congressional Districts ;

Which failed on its passage, some days since.

Mr. Hudson moved to re-commit the bill to the select committee on Districting the State, with the following instructions :

Add Martin county to the first district, and Monroe to the second;  
Which motion did not prevail.

On motion by Mr. English,  
A call of the House was ordered,  
The clerk proceeded to the call,  
When the following members answered to their names:

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—SS.

On motion by Mr. Lawrence,  
A further call of the House was suspended.  
Mr. Spencer moved to amend the instructions of Mr. Hudson as follows:

“Strike Switzerland from the third and attach it to the fourth.”

Mr. Manson moved to amend the amendment of Mr. Spencer as follows:

The counties of Benton, White, Cass, Miami, Jasper, Pulaski, Fulton, Marshall, Starke, Lake, Porter, Laporte, and St. Joseph, shall constitute the first district.

The counties of Wabash, Kosciusko, Elkhart, LaGrange, Noble, Whitley, Allen, DeKalb, and Steuben, shall constitute the tenth district.

The counties of Hamilton, Madison, Tipton, Howard, Grant, Blackford, Jay, Adams, Wells, and Huntington, shall constitute the eleventh district.

Mr. McDonald moved to lay the whole subject on the table.  
And the question being put,  
The ayes and noes were demanded by Messrs. McDonald and Manson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Bulla, Cromwell, Davis, Donaldson, Doughty, Douthit, Eccles, Foster, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Henry, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Hunt, Kent, King, Lawrence, Lewis, Litchfield, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Mudgett, Owen, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stuart, Sweet, Thompson, Walker, Watson, Wilson, and Withers—53.

*Those who voted in the negative were,*

Messrs. Behm, Bryant, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Dice, Dobson, Donham, English, Geddes, Gibson, Helmer, Hicks, Holman, Huey, Huffstetter, Humphreys, Lavery, Leviston, Lindsay of Howard, Major, Manson, McDowell, Nelson, Porter, Shanklin, Spencer, Stover, Struble, Suit, Sumner, Taggart, Torbet, Wells, Williams, and Mr. Speaker—38.

So the bill and pending amendments were laid on the table.

No. 126. A bill regulating the time of holding courts in the county of Tippecanoe.

Was read a second time.

On motion by Mr. Stover,  
The bill was laid on the table.

No. 127. A bill to authorize suits against the State.

Was read a second time.

On motion by Mr. Hay of Clark,  
The bill was referred to the Judiciary committee.

No. 128. A bill to establish courts of common pleas, defining the jurisdiction of the judges, the duties of the judges and other officers thereof, and providing for their compensation.

Was read a second time.

On motion by Mr. Spencer,  
The bill was referred to the committee on the Organization of Courts of Justice.

Mr. Brady moved to reconsider the vote by which the House refused to engross House bill

No. 82. A bill to enable the Madison and Indianapolis Railroad Company to avoid the inclined plane, and to provide for the sale of the interest of the State in said railroad, &c.

Mr. Gibson moved that when this House adjourns, it adjourn to meet on to-morrow morning 9 o'clock.

Which motion did not prevail.

Mr. English moved that the House adjourn.

Which motion did not prevail.

The question then recurred on reconsidering the vote by which the House refused to engross House bill No. 82.

And being put,

The ayes and noes were demanded by Messrs. Gibson and Struble.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Davis, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Wilson, and Mr. Speaker—81.

*Those who voted in the negative were,*

Messrs. Dice, Dobson, Helmer, Lewis, Williams, and Withers—6.

So the vote was reconsidered.

On motion by Mr. Mudget,

The House adjourned to meet at 2 o'clock.

2 o'clock, P. M.

The House met,

Mr. Lavery, from the joint committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The joint committee on Enrolled Bills have this day presented to the Governor for his approval enrolled bill of the House numbered 17.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the corresponding number, and find the same correctly enrolled :

No. 17. An act to provide for the election of a reporter, and the speedy publication of the decisions of the supreme court, and for the compensation of such reporter.

Whereupon the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

Mr. Suit, chairman of the committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The committee on Engrossed Bills have examined engrossed bill of the House No. 132, and report it correctly engrossed.

Mr. Lavery, from the joint committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The joint committee on Enrolled Bills have this day presented to the Governor, for his approval, enrolled bill of the House numbered 42.

A message from the Governor, by Mr. King, executive messenger :

MR. SPEAKER :

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit :

No. 17. An act to provide for the election of a reporter, and a speedy publication of the decisions of the supreme court, and for the compensation of such reporter ;

No. 42. An act authorizing railroad, plank road, turnpike road, and McAdamized road companies to borrow money and to secure the re-payment thereof by mortgage ;

Which bills originated in the House.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The committee on Enrolled Bills have compared the following enrolled with the engrossed bill of the House of the corresponding number, and find the same correctly enrolled :

No. 42. An act authorizing railroad, plank road, turnpike road and McAdamized road companies to borrow money and to secure the repayment thereof by mortgage.

Whereupon, the Speaker signed the same.

Ordered, that the clerk inform the Senate thereof.

The question at the last adjournment being on the engrossment of House bill

No. 82. A bill to enable the Madison and Indianapolis Railroad Company to avoid the inclined plane at Madison, to provide for the sale of the interest of the State in said railroad, and to repeal, so far as affects the Madison and Indianapolis Railroad Company, the 55th and 58th sections of an act entitled "an act for the continuance and construction of all or any part of the public works of this State, by private companies, and for abolishing the Board of Internal Improvements, and the offices of Fund Commissioner and Chief Engineer," approved January 28th, 1842.

Mr. Smith of Marion offered the following amendment to the bill :

Add the following section :



SEC. 11. This act shall not be so construed as to give to the Madison and Indianapolis Railroad Company the right to construct a new track to avoid the inclined plane, unless said company purchase the State's interest in said railroad, and comply with all the terms of this act.

Which was adopted.

Mr. Stover offered the following amendment to the bill:

Strike out from the word "company" in the 3d line of the 5th section; also the 6th, 7th and 8th sections, and insert the following:

For the sum of six hundred thousand dollars, to be paid in original bonds of the State of Indiana, or four hundred thousand dollars in five per cent. State stock of the State of Indiana, or eight hundred thousand dollars in two and a-half per cent. State stock of the State of Indiana, or the sum of three hundred and fifty thousand dollars in cash, as said company may elect; that said payments be divided into four equal annual instalments, one-fourth to be paid over to the Treasurer of State on or before the first day of January, 1854, one-fourth in twelve months thereafter, one-fourth in two years, and the remaining one-fourth in three years from said first payment: *Provided*, That nothing in this act shall be so construed as to affect, in any way, the stock which the State owns in said road, accruing on account of the earnings of the same.

On motion by Mr. Sumner,

The amendment was laid on the table.

Mr. Sumner submitted the following amendment:

Amend the 5th section as follows: strike out all after the word "company" in the 3d line, and insert the following:

For the sum of six hundred thousand dollars in cash, or its equivalent in the original bonds of the State, computing and including interest thereon, at the market rate and value of said original bonds and interest in the city of New York, on the first day of January, 1852, or other stocks of the State, to the amount aforesaid, of which principal and interest is based on State revenue for payment.

On motion by Mr. Nelson,

A call of the House was ordered.

The clerk proceeded to the call, when the following members were present, viz:

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Cowgill, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Hay of Clark,

Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huflstetter, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Morris, Nelson, Owen, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Spencer, Stanfield, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker.

Mr. Shanklin moved to suspend a further call of the House ;  
Which motion did not prevail.

The clerk proceeded to the further call of the House ;  
When,

On motion by Mr. Smith of Marion,  
A further call of the House was suspended.

The question was then put on the adoption of Mr. Sumner's amendment,

And disagreed to.

Mr. Owen submitted the following amendment to the bill :

Amend by striking out the 5th, 6th and 7th sections, and insert in lieu thereof,

SEC. 5. The interest of the State of Indiana, accruing on the 13th day of January, 1853, in the Madison and Indianapolis railroad, is hereby sold to the Madison and Indianapolis Railroad Company for the sum of six hundred thousand dollars of the two and a half per cent bonds of the State, or, at the option of the company, for an amount, in the bonds of the company, as hereinafter provided, equal in value to the market rate or value of six hundred thousand dollars of the said two and a half per cent. stocks of the State; the said stocks being estimated at their ruling rate of value at the stock exchange in the city of New York on the first day of January, 1852.

SEC. —. The aforesaid payment, if the same be paid in stocks, shall be made in four equal annual instalments, becoming due and payable upon each of the first days of January in the years 1854, 1855, 1856, and 1857; and each of said payments may be discharged by the delivery to the Treasurer of State, on or before each of said dates respectively, of one hundred and fifty thousand dollars of the said two and a half per cent. stocks of the State; and upon the receipt of each of such payments, the State Treasurer shall give to said company a receipt therefor, and deliver the stocks to the State Auditor to be cancelled; and upon the final payment of the last of said instalments and presentation of the receipts therefor, the State Auditor shall execute to said company, under the seal of his office, a full and perfect transfer of all the right, title, and interest of the State in said road, or the revenues thereof.

Sec. —. The said company may, on or before the first day of January, 1854, elect to make any portion of said payments in the bonds of the said company, with coupons attached, bearing date the first day of January, 1854, and becoming due on the first day of January, 1867; said bonds to bear seven per cent. interest, payable semi-annually on the first days of July and January in each year, at the office of the company. And for the security thereof, a mortgage shall be executed to such person as the Governor may designate as trustee, or to his successor in office, on all the road and property thereof, with right to enter and sell or collect revenues, as said trustee may elect, if default be made for sixty days in the payment of principal or interest of said bonds.

Mr. Stover moved to amend the amendment of Mr. Owen by striking out the last word, "1852," in the 5th section, and insert "1854."

On motion by Mr. Owen,  
The House adjourned.

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FRIDAY MORNING, 9 o'clock, }  
February 6, 1852. }

The House met.

The journal of the preceding day was read.

The House resumed the special order of yesterday, House bill

No. 82. A bill to enable the Madison and Indianapolis Rail Road company to avoid the inclined plane at Madison, to provide for the sale of the interest of the State in said Rail Road, and to repeal as far as it affects the Madison and Indianapolis Rail Road company, the 55th and 58th sections of the act for the continuance and construction of all or any part of the public works of this State by private companies, and for abolishing the board of Internal Improvements and the offices of Fund commissioner and Chief Engineer, approved January 28th, 1842.

The question being on the adoption of the amendment of Mr. Stover to the amendment of Mr. Owen,

It was accepted by Mr. Owen.

Mr. Stover submitted the following amend, to the amendment of Mr. Owen.

Add the following section:

**SECTION 10.** In case said Madison and Indianapolis Rail Road company do not accept the propositions contained in this act within ninety days, as above provided, it shall be lawful for any person, corporation or company within six months after the expiration of said ninety days to accept the said propositions of sale in manner as above provided; and by such person, corporation or company, complying with the provisions and conditions of this act shall acquire and possess all the rights, privileges and benefits that the said Rail Road company would or could acquire if they had accepted the same. *Provided however,* That nothing in this act shall be so construed as to in any wise authorize the said Madison and Indianapolis Rail Road company, or any other company, to re-construct said road so as to avoid the inclined plane at the city of Madison, or any other part of said road now owned by the State, unless the said Madison and Indianapolis Rail Road company shall itself accept the provisions, and fully comply with the conditions of this act.

Which was accepted by Mr. Owen.

Mr. Gookins submitted the following amendment to Mr. Owen's amendment viz:

Amend as follows:

**SEC. 9.** Second line strike out the word "thirty" and insert "ninety."

Which was accepted by Mr. Owen.

Mr. English submitted the following amendment to the amendment of Mr. Owen.

Add at the end of the 5th section, "but the equivalent of bonds of the company, shall not be less than the sum of \$350,000."

The question being put,

The ayes and noes were demanded by Messrs. Holman and English.

*Those who voted in the affirmative were,*

Messrs. Dice, Dobson, Donaldson, Douthit, Eccles, English, Gunn, Henry, Holladay of Parke, Holman, Huffstetter, Humphreys, Hunt,

Lindsay of Howard, Litchfield Manson, McAllister, McConnell, McDowell, Miller, Nelson, Porter, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stover, Struble, Stuart, Sumner, Taggart, Torbet, Walker, Wells, Williams, Withers and Mr. Speaker—37.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Davis, Donham, Doughty, Foster, Geddes, Gookins, Goudy, Hanna, Hays of White, Helmer, Hicks, Holliday of Blackford, Hostetter, Hudson, Huey, Kent, King, Laverty, Lawrence, Leviston, Lewis, Major, Mayfield, McDonald, Morris, Mudget, Owen, Ray, Reynolds, Spencer, Stanfield, Staton, Stevens, Suit, Sweet, Thompson, Watson and Wilson—52.

So the amendment was not agreed to.

The question then recurred on the adoption of Mr. Owen's amendment.

And being put;

It was decided in the affirmative.

The question then being put on the engrossment of the bill.

The ayes and noes were demanded by Messrs. Owen and King.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Crawford, Cromwell, Donaldson, Donham, Doughty, Eccles, Foster, Geddes, Gookins, Goudy, Hanna, Hays of White, Henry, Holladay of Parke, Hostetter, Hudson, Huey, Humphreys, Hunt, Kent, King, Laverty, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McDonald, McDowell, Mudget, Owen, Reynolds, Schoonover, Shanklin, Smith of Marion, Spencer, Stanfield, Staton, Stover, Stuart, Suit, Sweet, Thompson, Watson, and Wilson—60.

*Those who voted in the negative were,*

Messrs. Cowgill, Davis, Dice, Dobson, Douthit, English, Gunn, Helmer, Hicks, Holliday of Blackford, Holman, Huffstetter, McConnell, Miller, Morris, Nelson, Porter, Ray, Smith of Spencer, Struble, Sumner, Taggart, Torbet, Walker, Wells, Williams, Withers, and Mr. Speaker—28.

So the bill was ordered to be engrossed.

A message from the Senate by Mr. Dunn their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following resolution :

*Resolved*, That the Senate will, the House concurring on Saturday next, at 10 o'clock A. M., go into the election of a Reporter for the Supreme Court.

In which the concurrence of the House is respectfully requested.

Mr. Beeson submitted the following amendment to the resolution contained in the foregoing message, viz :

Amend by striking out from the word "resolved" and insert the following :

The House will the Senate concurring go into an election of a reporter, on the first day of March next, being the first Monday after the State conventions.

On motion,

The amendment was laid on the table.

The resolution was then concurred in by the House.

Ordered that the clerk inform the Senate thereof.

The hour having arrived, the House proceeded to the special order of the day, viz :

House bill No. 93. A bill to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant.

The question being on the adoption of the amendment of Mr. Stanfield, offered on the 27th ult., to the instructions of Mr. Nelson offered on the 23d ult.,

The amendment was accepted by Mr. Nelson.

Mr. Carpenter submitted the following amendment to the instructions of Mr. Nelson :

Amend the instructions by inserting—

That the Governor shall appoint one or more engineers, not to exceed three engineers, who shall have power to employ the necessary assistance to facilitate the object, in the examination of these lands, in such manner as they may deem most advantageous to the State, and to make a detailed report to the next General Assembly.

On motion by Mr. Sumner,

The amendment of Mr. Carpenter was laid on the table.

Mr. Hudson submitted the following amendment to the instructions of Mr. Nelson :

In section 20, strike out the word "governor" and insert "county commissioners may appoint at their discretion."

And the question being put on the adoption thereof,  
The ayes and noes were demanded by Messrs. Behm and McDonald.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Behm, Bulla, Carpenter, Cockrum, Cowgill, Cromwell, Davis, Dice, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hay of Clark, Helmer, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Lawrence, Leviston, Shanklin, Smith of Spencer, Spencer, Staton, Stevens, Struble, Taggart, Thompson, Watson, and Mr. Speaker—39.

*Those who voted in the negative were,*

Messrs. Barker, Beeson, Brady, Bryant, Buskirk, Crawford, Dobson, Donaldson, Gibson, Hanna, Hays of White, Henry, Holman, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Stanfield, Stover, Stuart, Suit, Sumner, Sweet, Torbet, Walker, Wells, Williams, Wilson, and Withers—51.

So the amendment was not agreed to.

Mr. Beach submitted the following amendment to the instructions of Mr. Nelson, viz :

Strike out section 51, and insert the following :

In case any county auditor or treasurer shall refuse to perform any of the duties enjoined upon him by this act, the Governor shall appoint some person in their stead, whose powers, duties and liabilities shall be the same as by this act is required of said county auditor and treasurer.

Which was accepted by Mr. Nelson.

Mr. Beach also submitted the following amendment to the instructions of Mr. Nelson :

Amend the bill so as to sell the land on the following terms, to-wit:  
One-half of the purchase money in hand, the balance in one year  
with security and interest in advance.

On motion by Mr. Reynolds,  
The amendment was laid on the table.

Mr. Goudy submitted the following amendment to the instructions  
of Mr. Nelson:

Amend so as to give the purchaser twenty years to make payment  
by paying the interest on the purchase money annually.  
Which was not agreed to.

Mr. Miller moved to amend the instructions of Mr. Nelson, viz:

*And provided, also,* It shall be lawful and proper for the said county treasurer to receive in payment for lands entered, any certificate or certificates issued by the swamp land commissioner of his said county to any contractor or other person, as provided for in this act, or redeem the same out of any swamp land funds in his hands, which certificate or certificates shall be receivable by the Treasurer of State, and receipted for as cash.

Mr. Miller moved a call of the House;  
Which was not seconded, and did not prevail.

Mr. Davis moved that the House adjourn.  
Which motion did not prevail.

The question was then put on the adoption of Mr. Miller's amendment to the instructions of Mr. Nelson.

The ayes and noes were demanded by Messrs. Miller and McDonald.

*Those who voted in the affirmative were,*

Messrs. Beach, Beeson, Behm, Crawford, Cromwell, Dobson, Douthit, Eccles, English, Graham, Holliday of Blackford, Hostetter, Huey, Leviston, Lindsay of Howard, McDowell, Nelson, Ray, Smith of Spencer, Spencer, Sumner, Thompson, and Mr. Speaker—23.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Brady, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Cowgill, Davis, Dice, Donaldson, Donham, Doughty, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Hudson, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Lewis,



Litchfield, Major, Manson, McAllister, McConnell, McDonald, McDowell, Morris, Mudget, Owen, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sweet, Taggart, Torbet, Walker, Watson, Wells, Williams, Wilson, and Withers—66.

So the amendment to the instructions was not adopted.

Mr. Douthit submitted the following amendment to the instructions of Mr. Nelson :

Amend the 28th section as follows : That not less than eight hours actual employment shall be deemed a day.

Which was not agreed to.

On motion by Mr. McDonald,  
The bill and instructions were laid on the table.

On motion by Mr. Doughty,  
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

On motion by Mr. McDonald,

House bill No. 93. A bill to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant,

And the instructions of Mr. Nelson,  
Were taken from the table.

The question being on recommitting the bill to the committee on Swamp Lands, with the instructions of Mr. Nelson,

Mr. McDonald called a division of the question.

First question being put to recommit the bill to the committee on Swamp Lands,

The ayes and noes were demanded by Messrs. McDonald and Nelson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Brady, Bulla, Carpenter, Cockrum, Craw-

ford, Dice, Dobson, Donham, Doughty, Douthit, Geddes, Graham, Henry, Holladay of Parke, Holliday of Blackford, Hostetter, Huey, Huffstetter, Humphreys, Leviston, Lindsay of Howard, Litchfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Ray, Smith of Spencer, Staton, Struble, Stuart, Sumner, Sweet, Thompson, Walker, Watson, and Wells—42.

*Those who voted in the negative were,*

Messrs. Bryant, Buskirk, Cowgill, Cromwell, Davis, Eccles, Foster, Gibson, Gookins, Goudy, Gunn, Hanna, Hays of White, Helmer, Hicks, Holman, Hunt, Kent, King, Lavery, Lawrence, Lewis, Major, Mayfield, McDonald, Reynolds, Schoonover, Shanklin, Smith of Marion, Stanfield, Stevens, Stover, Suit, Taggart, Torbet, Williams, Wilson, Withers, and Mr. Speaker—39.

So the bill was recommitted.

Second question was then put, to commit the instructions to the committee on Swamp Lands.

The ayes and noes were demanded by Messrs. McDonald and Nelson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Brady, Bulla, Carpenter, Cockrum, Crawford, Cromwell, Davis, Dice, Dobson, Donham, Doughty, Douthit, Geddes, Graham, Hays of White, Henry, Holladay of Parke, Holliday of Blackford, Hostetter, Huey, Huffstetter, Humphreys, Leviston, Lindsay of Howard, Litchfield, Manson, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Smith of Spencer, Staton, Struble, Stuart, Sumner, Sweet, Walker, Watson, and Wells—44.

*Those who voted in the negative were,*

Messrs. Beach, Beeson, Behm, Bryant, Buskirk, Cowgill, Donaldson, Eccles, Foster, Gibson, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Helmer, Hicks, Holman, Hudson, Hunt, Kent, King, Lavery, Lawrence, Lewis, Major, Mayfield, McDonald, Owen, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Stanfield, Stevens, Stover, Suit, Taggart, Thompson, Torbet, Williams, Wilson, Withers, and Mr. Speaker—45.

So the instructions were not so committed.

## REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the Judiciary committee, returned House bill

No. 80. A bill for the relief of the poor ;

With amendments

On motion,

The bill and amendments were referred to the committee on Benevolent and Scientific Institutions.

Mr. Lewis, chairman of the committee on Benevolent and Scientific Institutions, made the following report :

MR. SPEAKER :

The committee on benevolent and Scientific Institutions, to whom was referred a resolution making it their duty to inquire into the cause of the fire that occurred at the Insane Hospital, and extent of the injury caused by the same, beg leave to present the following investigation made by the commissioners of said institution, and beg leave to be discharged from the further consideration of the subject.

*Resolved*, That the committee on Benevolent and Scientific Institutions be requested to report to this House the extent of damage done to the Insane Hospital, by the fire which occurred in said building on the morning of February 2d, and also the probable cause of said fire.

*Report of James Blake, Esq., giving the origin of the fire at the Hospital for the Insane.*

For the information of the public, the commissioners of the Indiana Hospital for the Insane, present a statement of the result of their investigation, had on the third day of February, 1852, into the origin of the fire which occurred at the Hospital on the morning of the second instant, and the extent of the injury sustained.

About seventy feet west of the Hospital building, there is erected a four story brick building, which is about sixty feet long east and west, and about twenty-five feet wide, appropriated to the purposes of washing, ironing, and drying clothes, and also for baking. At the west end in the basement, the fire, and boilers for heating the Hospital are placed. On the north side of this building there is a two story brick addition, extending about two-thirds of the length of the building, and is covered with a patent roof.

The second story of this addition is divided into two or three small apartments, which, together with the adjoining rooms in the building, were used for ironing and drying clothes. In the west room of the second story of this addition, was placed an air-tight sheet iron stove, called a self-regulator, for the purpose of drying clothes on racks, the points of which racks extended to within four feet of the stove. From this stove the fire which caused the injury, originated; not, however, as has been erroneously supposed, in consequence of the stove being out of repair, but in consequence, as the commissioners are induced to believe, from the door of the stove not having been sufficiently secured to prevent the wood inside from pushing the door open.

We are satisfied that the fire did not escape from the stove in consequence of the imperfection of the damper, as in the opening at the damper there was a grate, which, of itself, would prevent the fire from falling out, and, in addition, the damper was secured to its place by the head ironer, who stated that it was so placed that it would be necessary for her to apply her hands to the damper to remove it. But independent of these statements, the position in which the stove was seen lying on the floor by Mr. Kennedy, who was the first at the room, leaves but little doubt that the fire which caused the injury must have escaped through the opening at the door.

The floor of the room in which this stove was placed, and the roof immediately above, were entirely destroyed, and the floor of an adjoining room was so much injured that it is supposed an entire new floor will have to be put in. The windows and doors communicating with these rooms, as also the door-frames, were destroyed—and considerable injury was done to the plastering. The clothes racks in these two rooms, and presses, were destroyed.

The cost of repairing the entire injury, according to the estimate of Mr. Pendergast, will probably not exceed four hundred dollars. The following is his statement:

Windows, including all finished,.....	\$60 00
Doors and door-frames, all finished,.....	50 00
Clothes horses,.....	30 00
Floors, joists and roof,.....	60 00
Partition and props,.....	20 00
Door and steps to boiler room,.....	8 00
Base, .....	15 00
Door to wash house,.....	10 00
Contingencies .....	40 00
	<hr/>
	\$293 00
Plastering .....	100 00
	<hr/>
Total,.....	\$393 00

On Sunday evening, at 8 o'clock, there were in the room where

the fire originated four females (two washing girls and two ironing girls, who slept on the second floor of the building.)

At 8 o'clock the bell rings for the assistants and all others to retire to bed, at which time three of these females retired, leaving in this room the female who had charge of the drying and ironing apartments. This female, about 15 minutes after 8 o'clock, put four sticks of wood in the stove, (as was customary with her at all other times,) that she might have fire in the morning—and states that she secured the damper and door of the stove.

All these females agree in the statement that every thing combustible was removed from near the stove, and that there was but little fire in the stove when they left—that the room was not warm—that the stove was placed on an elevation above the floor, covered with zinc—that this ironer has generally been very careful about the fire—that no one was in the habit of attending to the fire in this stove but her, except in her absence, the assistant ironer—and that no one was in the habit of visiting these rooms after the ironers left them.

The fire was first discovered by one of the patients, about half past one o'clock, on the morning of the second February, who gave the alarm. This alarm was heard by a Mr. Kennedy, a fireman, whose hour to go to work at the fire was approaching. He gave the alarm to the officers, &c., and immediately proceeded to the fire. When he arrived at the fire, he saw a small hole burned through the floor, about where the stove had been standing, and the stove was lying on the floor. The fire then spread rapidly, but owing to the great efforts of those who were present, and the judicious orders of the Superintendent, the fire was prevented from spreading, and finally extinguished about half past two o'clock.

We cannot speak in too high terms of the efforts of every one connected with the Institution, both male and female, in suppressing the fire. The Superintendent directed the operations of those who assisted, and to his great presence of mind upon that occasion, much of the success in extinguishing the fire is to be attributed, nor should we omit to state that upon two or three occasions the Superintendent was in imminent danger of his life in his efforts to subdue the fire.

In the attics of this back building, and of the Hospital, are tanks capable of holding several hundred barrels of water, which can always be used to great advantage in extinguishing fire. These tanks are filled with water every evening for the use of the patients in various ways, so that in case of fire there would be a good supply of water to extinguish it. There are also two cisterns and wells, which at all times will furnish a sufficient supply of water to suppress any fire that may occur there.

The commissioners were gratified to learn that but little excitement was created among the patients, attendants and assistants about the Hospital. The patients were in no possible danger from the fire, nor is there any danger to be apprehended from fire in their

apartments. Several of the patients rendered very important aid in subduing the fire.

The commissioners are fully persuaded that the fire was purely accidental, and are very free to say that there is great circumspection and care generally observed by the officers and others in the Institution to avoid accidents. There is no one to whom any blame of this accident is imputable, unless it be to the one in whose immediate charge the stove and drying apartments were entrusted; and, from the watchfulness and care which she has generally manifested, (as stated by her assistant ironer, and the two washing girls,) in everything belonging to her department, we, the commissioners, are not disposed to impute any blame to her, as such an accident might occur to the most circumspect.

JAMES BLAKE, *Pres't.*

*Indianapolis, Feb. 5, 1852.*

On motion by Mr. Lewis,  
The report was laid on the table.

Mr. Buskirk, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 104, have had the same under consideration, and have made the accompanying amendments.

Your committee would represent that the law allows mileage by the usually travelled route; that, in compliance with that law, we have allowed mileage to Crawford, Spencer, Posey, Warrick, Vanderburgh, Dubois, and some other counties, by the river route, and that we have allowed mileage to the counties of Allen, Lagrange, Kosciusko, Lake, and some other counties, by the canal. Your committee very respectfully submit whether mileage should be allowed by the river and canal.

Mr. Gibson moved to amend the amendment proposed by the committee as follows: After the word "Clark" add 150 miles.

Mr. Stover moved to recommit the bill to the select committee, with the following instructions:

That the committee compute the distance on the direct line, and increase the pay to 10 cents per mile.

Mr. Schoonover moved to amend the instructions of Mr. Stover by striking out "direct line," and insert "the nearest travelled route;"

Which was not agreed to.

The question being put on committing the bill with the instructions of Mr. Stover,

It was decided in the negative.

The question then recurred on the amendment of Mr. Gibson to the amendment of the committee,

And being put,

It was decided in the negative.

Mr. Williams moved to recommit the bill to the same select committee, with the following instructions:

To compute mileage by the most usual travelled route by land.

Mr. Gibson moved to amend the instructions by striking out the "most usual travelled route, and insert by "an air line."

Which was accepted by Mr. Williams.

Mr. Douthit moved to amend the instructions of Mr. Williams by striking out "an air line," and insert "the most direct route."

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Douthit.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Goudy, Graham, Gunn, Hanna, Hays of White, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Huey, Huffstetter, Humphreys, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McDonald, Miller, Morris, Reynolds, Schoonover, Shanklin, Smith of Marion, Spencer, Stanfield, Staton, Stevens, Struble, Suit, Sumner, Taggart, Thompson, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—68.

*Those who voted in the negative were,*

Messrs. Behm, Geddes, Gibson, Gookins, Hay of Clark, Henry, Hostetter, Hudson, Hunt, McConnell, McDowell, Mudgett, Nelson, Owen, Porter, Ray, Smith of Spencer, Stover, Stuart, Sweet, Torbet, and Walker—22.

So the amendment to the instructions was agreed to.

Mr. Gibson moved to lay the instructions on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Hay and Gibson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Behm, Bryant, Buskirk, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Gibson, Gookins, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Henry, Hicks, Holladay of Parke, Hosietter, Hudson, Lewis, Litchfield, Major, Manson, Mayfield, McConnell, McDonald, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Smith of Spencer, Staton, Stevens, Stover, Stuart, Sweet, and Walker—43.

*Those who voted in the negative were,*

Messrs. Beach, Beeson, Brady, Bulla, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Douthit, Eccles, Foster, Geddes, Helmer, Holliday of Blackford, Holman, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lindsay of Howard, McAllister, McDowell, Miller, Morris, Schoonover, Shanklin, Smith of Marion, Spencer, Stanfield, Struble, Suit, Sumner, Taggart, Thompson, Torbet, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—46.

So the instructions were not laid on the table.

Mr. Buskirk moved to reconsider the vote by which the House adopted the amendment of Mr. Douthit to the instructions of Mr. Williams.

Mr. Torbet moved to lay the whole subject on the table.

And the question being put :

The ayes and noes were demanded by Messrs. Torbet and Graham.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Cowgill, Foster, Gibson, Gookins, Graham, Gunn, Hay of Clark, Hays of White, Henry, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Hunt, Kent, Lewis, Litchfield, McConnell, McDonald, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Smith of Spencer, Stevens, Suit, Sweet, Torbet, Walker, and Mr. Speaker—36.

*Those who voted in the negative were,*

Messrs. Barker, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Hanna, Helmer, Huey, Huffstetter, Humphreys, King, Laverty, Lawrence, Leviston, Lins-



day of Howard, Major, Manson, Mayfield, McAllister, McDowell, Miller, Morris, Schoonover, Shanklin, Smith of Marion, Spencer, Stanfield, Staton, Stover, Struble, Stuart, Sumner, Taggart, Thompson, Watson, Wells, Williams, Wilson, and Withers—53.

So the bill, instructions, and amendments were not laid on the table.

The question was then put on reconsidering the vote by which the House adopted the amendment of Douthit to the instructions of Mr. Williams.

The ayes and noes were demanded by Messrs. Buskirk and Douthit.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Bryant, Buskirk, Cromwell, Dobson, Donaldson, Donham, Doughty, Eccles, Graham, Gunn, Helmer, Henry, Hicks, Hunt, Lewis, Litchfield, Manson, Mayfield, McAllister, Nelson, Staton, Stuart, Sweet, Walker, Williams, Wilson, and Withers—31.

*Those who voted in the negative were,*

Messrs. Beeson, Brady, Bulla, Carpenter, Cockrum, Cowgill, Crawford, Davis, Dice, Douthit, Foster, Geddes, Gibson, Gookins, Goudy, Hanna, Hay of Clark, Hays of White, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Kent, Laverty, Lawrence, Leviston, Lindsay of Howard, Major, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Spencer, Stanfield, Stevens, Stover, Struble, Suit, Sumner, Taggart, Torbet, Thompson, Watson, Wells, and Mr. Speaker—58.

So the vote was not reconsidered,

Mr. Buskirk moved to amend the instructions so as to provide for computing the mileage of members of the Legislature, sheriffs, and treasurers by the most direct land route.

And the question being put,

The ayes and noes were demanded by Messrs. Buskirk and Withers.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes,

Gookins, Goudy, Graham, Gunn, Hanna, Helmer, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, Miller, Morris, Owen, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams Wilson and Withers—75.

*Those who voted in the negative were,*

Messrs. Bryant, Dice, Gibson, Hay of Clark, Menry, McConnell, McDowell, Mudget, Nelson, and Mr. Speaker—10.

So the amendment was agreed to.

The question then being on recommending the bill and amendments to the select committee of one from each Judicial circuit with the instruction to compute mileage of members of the Legislature, Sheriffs and Treasurers by the most direct land route.

And the question being put,

The ayes and noes were demanded by Messrs. Buskirk and Withers.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bulla, Buskirk, Carpenter, Cockrum, Crawford, Cromwell, Davis, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gookins, Goudy, Graham, Gunn, Hanna, Hays of White, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Laverty, Lawrence, Leviston, Lewis, Lindsay of Howard, Major, Manson, Mayfield, McAllister, Miller, Owen, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Stuart, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, and Withers—64.

*Those who voted in the negative were,*

Messrs. Bryant, Cowgill, Dice, Gibson, Hay of Clark, Helmer, Henry, Hunt, Litchfield, McConnell, McDonald, McDowell, Mudget, Nelson, Ray, Suit, Sweet, and Mr. Speaker—18.

So the bill was recommitted with the instructions.

Mr. Brady from a select committee made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of David and Nancy Burnett praying for a law to enable them to name and adopt a foundling, report that the prayer of said petitioners is already answered by the passage of a general law, on that subject, during the present session of the Legislature, and therefore ask to be discharged from the further consideration thereof.

Which report was concurred in.

On motion by Mr. Morris,  
The House adjourned.

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SATURDAY MORNING, 9 o'CLOCK, }  
February 7th, 1852. }

The House met.

The Journal of the preceding day was read.

A message from the Senate by Mr. Dunn, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House :

No. 132. Entitled "an act to postpone the day of the beginning of the Dearborn court for the February term, 1852 ;"  
Without amendment.

A message from the Senate by Mr. Dunn their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the bill of the House

No. 83. Entitled "an act to divide the State into Congressional districts ;"  
Without amendment.

#### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Sumner :

The petition from citizens of Stark county, in reference to a State road ;

Which,

On motion,

Was referred to the committee on Roads.

By Mr. Porter :

The temperance memorial of sundry citizens of Switzerland county ;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Gunn :

The temperance memorial of 32 ladies of Harrison county ;

Which,

On motion,

Was referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Graham, from a select committee, made the following report

MR. SPEAKER :

The select committee, to whom was referred the joint resolution No. 17, upon the subject of obtaining from the government a grant of lands for the improvement of the Patoka and the East Fork of White river, &c., have had the same under consideration, and have agreed to recommend that all of the streams mentioned in the joint resolution be stricken out except Patoka and the East Fork of White river, and that Laughery creek in Ripley county be added ; and that, with those amendments, I am instructed to report the joint resolution back to the House, and recommend its passage.

The amendments were concurred in, and the joint resolution was ordered to be engrossed.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report :

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to His Excellency the Governor, for his approval, enrolled bills of the House numbered 83 and 132.

Mr. Suit, chairman of the committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined bill of the House No. 82, and find it correctly engrossed.

#### RESOLUTIONS OF THE HOUSE.

Mr. Helmer submitted the following preamble and resolution:

WHEREAS, It is the opinion of this House that it is the duty of the General Assembly to avoid, as far as practicable, the passage of any law which is local or special in its operation, and that all laws so passed are clearly unconstitutional, unless a law general in its character cannot be made applicable. AND WHEREAS, It must be apparent to this House, that unless a general law is passed providing for changing the time of holding circuit courts in the several counties of this State, that the Legislature will be frequently called upon to pass special laws for that purpose. AND WHEREAS, It is the opinion of this House that a general law *can* be made applicable to such purposes. Therefore, be it

*Resolved*, That the committee on the Organization of Courts of Justice be, and the same are hereby instructed to incorporate a provision in the general law, relating to circuit courts, so as to extend the power to the judges of the several circuits, to make all changes necessary, as to the time of holding said courts.

The resolution was agreed to.

By unanimous consent of the House,

Mr. Suit obtained leave and introduced

No. 135. A bill authorizing county auditors and their deputies to take acknowledgment of deeds, and administer oaths in certain cases;

Which was read a first time and passed to a second reading.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and find the same correctly enrolled.

No. 83. An act to divide the State into congressional districts.

No. 132. An act to postpone the day of the beginning of the Dearborn circuit court for the February term, 1852.

Whereupon, the Speaker signed the same.

Ordered that the clerk inform the Senate thereof.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 129. A bill for the recovery of property removed by high water;

Was read a second time and ordered to be engrossed.

No. 130. An act to amend an act entitled "An act to incorporate the Lafayette Bridge Company ;

Was read a second time.

On motion by Mr. Stanfield,

The bill was referred to the Judiciary committee.

No. 131. A bill granting to all incorporated companies of this State, which possess, by virtue of their corporate powers, the right to build steamboats and other vessels, the further right to construct and use marine railways, and all other fixtures, apparatus and machinery that may be necessary or useful in the building, repairing or launching of steamboats or other vessels;

Was read a second time.

On motion by Mr. Stover,

The bill was referred to the committee on the Judiciary.

No. 133. A bill providing for the establishment of circuit probate courts.

Was read a second time.

Mr. Suit moved to refer the bill to the committee on the Organization of Courts of Justice.

Mr. Nelson moved the following instructions:

"Strike out all the Latin words in the bill."

The bill was then referred to the committee on the Organization of Courts of Justice, with the instructions.

No. 134. A bill to divide the State into supreme court districts, and define the limits thereof.

Was read a second time.

Mr. Humphreys submitted the following amendment:

Strike out "five," wherever it occurs in reference to the number of judges, and insert "three." Also strike out "five," and insert "three," where it refers to the number of districts.

Mr. Owen moved to amend the amendment of Mr. Humphreys by striking out "three," and insert "four," wherever it occurs in the amendment.

On motion by Mr. Stover,

Leave of absence was granted Mr. Manson, on account of sickness.

On motion by Mr. Hunt,

Leave of absence was granted Mr. Taggart.

On motion by Mr. Torbet,

Leave of absence was granted Mr. Spencer.

On motion by Mr. Beeson,

Leave of absence was granted Mr. Lindsey of Fayette.

On motion by Mr. Carpenter,

Leave of absence was granted Mr. Scudder.

On motion by Mr. Helmer,

Leave of absence was granted Mr. Crim.

The hour having arrived,

On motion by Mr. Gibson,

The Senate were invited to attend *instantly* in the Hall of the House, to proceed to the election of a reporter to the supreme court. Ordered that the clerk inform the Senate thereof.

The Senate then came into the Hall of the House, when both branches of the General Assembly proceeded in joint convention by a viva voce vote, to the election of a reporter to the supreme court.

*Those who voted for Horace E. Carter, on the part of the Senate, were,*

Messrs. Alexander, Allen, Athon, Berry, Brugh, Cravens, Craw-

ford, Davis, Dawson, Defrees, Dougherty, Eddy, Goodman, Hanna, Henton, Hester, Hickman, Hicks, Holloway, James, Kendall, Kindard, Knowlton, Logan, Longshore, McCarty, Mickle, Miller, Millikin, Niblack, Odell, Reid, Saffer, Slack, Sleeth, Spann, Turman, Walker, Washburn, Winsteadley and Witherow—41.

*Those who voted for Horace E. Carter on the part of the House, were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, English, Gibson, Gookins, Goudy, Graham, Hanna, Hay of Clark, Hays of White, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Laverty, Leviston, Lewis, Litchfield, Major, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stevers, Stover, Struble, Stuart, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—77.

*Those who voted Blank on the part of the House, were,*

Messrs. Geddes, Helmer, and Lawrence—3.

Whole number of votes given, 121, of this number Horace E. Carter received 118, blank 3, necessary to a choice 61.

Horace E. Carter, having received a majority of all the votes given, was, by the President of the joint convention, declared duly elected Reporter of the Supreme court, to serve as such until the second Tuesday in October, 1852, and until his successor is elected and qualified.

The House resumed the consideration of the amendment of Mr. Owen, to the amendment of Mr. Humphreys to bill of the House,

No. 134. A bill to divide the State into Supreme court districts, and define the limits thereof.

The question being put on the adoption of Mr. Owen's amendment, to-wit:

Strike out "3" and insert "4" in the amendment of Mr. Humphreys,

The ayes and noes were demanded by Messrs. Humphreys and Owen.



*Those who voted in the affirmative were,*

Messrs. Beane, Bryant, Buskirk, Carpenter, Cowgill, Donaldson, Douthit, Eccles, Gibson, Henry, Holman, Hostetter, Hunt, Kent, Lavery, Lewis, McDonald, McDowell, Miller, Mudget, Owen, Stuart, Suit, Torbet and Wilson—25.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beeson, Brady, Bulla, Cockrum, Crawford, Cromwell, Davis, Dice, Dobson, Donham, English, Foster, Geddes, Goudy, Graham, Gunn, Hay of Clark, Hays of White, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Hudson, Huey, Huffstetter, Humphreys, King, Lawrence, Leviston, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, Morris, Nelson, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Withers and Mr. Speaker—58.

So the amendment was not agreed to.

The question was then put on the adoption of Mr. Humphreys's amendment to the bill, viz:

“Strike out ‘five,’ where it occurs in the bill, and insert ‘three.’”

The ayes and noes were demanded by Messrs. Humphreys and Brady:

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bulla, Buskirk, Carpenter, Cockrum, Crawford, Cromwell, Davis, Dice, Dobson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, Miller, Morris, Mudget, Nelson, Owen, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—75.

*Those who voted in the negative were,*

Messrs. Bryant, Cowgill, Donaldson, Gibson, Gookins, Holman, Hostetter, McDonald, McDowell, Stuart, and Torbet—11.

So the amendment was agreed to.

Mr. Gibson moved to commit the bill to the select committee on districting the State into supreme judicial circuits, with instructions to reduce the number of circuits to three, and provide for holding courts in every county in the State, and deciding all causes within twenty-four hours after submission.

Mr. Nelson moved to lay the instructions on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Nelson and Litchfield.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Crawford, Cromwell, Davis, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, Miller, Morris, Mudgett, Nelson, Owen, Ray, Reynolds, Schoonover, Smith of Marion, Stanfield, Staton, Struble, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—74.

*Those who voted in the negative were,*

Messrs. Cowgill, Gibson, McDonald, McDowell, Stevens, Stover, and Stuart—7.

So the instructions were laid on the table.

Mr. Nelson moved to commit the bill to the select committee districting the State into supreme judicial circuits, with instructions to amend the bill according to the expressed will of the House.

Mr. Helmer moved to amend the instructions of Mr. Nelson as follows:

SEC. —. The counties of Dearborn, Ripley, Ohio, Switzerland, Jefferson, Jennings, Jackson, Scott, Clark, Floyd, Harrison, Washington, Lawrence, Monroe, Greene, Sullivan, Knox, Daviess, Mar-

tin, Orange, Crawford, Perry, Spencer, Dubois, Pike, Gibson, War-  
rick, Vanderburgh, and Posey, shall form and constitute the third  
district.

SEC. —. That the counties of Montgomery, Fountain, Vermillion,  
Parke, Putnam, Hendricks, Vigo, Clay, Owen, Morgan, Marion,  
Johnson, Brown, Bartholomew, Decatur, Shelby, Hancock, Henry,  
Rush, Franklin, Fayette, Union, and Wayne, shall form and consti-  
tute the second district.

SEC. —. That the counties of Steuben, Lagrange, De Kalb, Noble,  
Kosciusko, Elkhart, St. Joseph, Marshall, Starke, Laporte, Porter,  
Lake, Jasper, Pulaski, Fulton, Whitley, Allen, Adams, Wells, Hunt-  
ington, Wabash, Miami, Cass, White, Benton, Carroll, Howard,  
Grant, Blackford, Jay, Tippecanoe, Warren, Clinton, Tipton, Madi-  
son, Delaware, Randolph, Hamilton, and Boone, shall form and con-  
stitute the first district.

Mr. Holman moved to lay the amendment to the instructions on  
the table.

Which motion did not prevail.

On motion by Mr. Lindsay of Howard,

The vote by which the House refused to lay the amendment of Mr.  
Helmer to the instructions of Mr. Nelson on the table,  
Was reconsidered.

The question being put, to lay the amendment of Mr. Helmer to  
the instructions of Mr. Nelson on the table,

It was decided in the affirmative.

The question being then put on committing the bill to the com-  
mittee on dividing the State into Supreme Judicial circuits, with the  
instructions of Mr. Nelson,

It was decided in the affirmative.

On motion by Mr. Stanfield,

House bill No. 79. A bill authorizing the construction of plank,  
McAdamized, and gravel roads;

Was taken from the table and considered.

The question being on the adoption of the following amendment of  
Mr. Manson:

Recommit, with instructions to incorporate a provision to prevent  
all plank roads from erecting any toll gate within one mile of the  
corporate limits of any incorporate town; and that where any toll  
gate has been so erected, the company erecting the same shall be  
compelled to move the same;

To the following instructions of Mr. Owen, to-wit:

To provide a graded rate of pontage on all bridges of more than 50 feet span, that may occur on any plank road,

On his motion to recommit the bill,  
And the question being put,  
The ayes and noes were demanded by Messrs. Stover and Behm.

*Those who voted in the affirmative were,*

Messrs. Behm, Brady, Buskirk, Cockrum, Cromwell, Dice, Hays of White, Holladay of Parke, Hostetter, Hudson, Huffstetter, McDowell, Smith of Marion, Smith of Spencer, Staton, Stevens, Wells, Williams, and Mr. Speaker—19.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Carpenter, Cowgill, Crawford, Davis, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Helmer, Henry, Hicks, Holliday of Blackford, Huey, Humphreys, Hunt, Kent, King, Laverty, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Stanfield, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wilson, and Withers—64.

So the amendment to the instructions was not agreed to.

Mr. Stover moved to reconsider the vote by which the House refused to adopt the amendment of Mr. Manson to the instructions of Mr. Owen.

Mr. Davis of Franklin moved a call of the House;  
Which was not ordered.

Mr. McDonald moved the House adjourn;  
Which motion did not prevail.

Mr. Stuart moved that when this House adjourn, it adjourn to meet on Monday morning 9 o'clock;  
Which motion prevailed.

On motion by Mr. Stover,

The motion to postpone the vote to reconsider the amendment of Mr. Manson to the instructions of Mr. Owen, was postponed until Monday the 9th inst.

Mr. Sumner moved the House adjourn;  
Which motion did not prevail.

Mr. Gibson moved to take House bill

No. 118. A bill authorizing alien friends to take by descent or devise real estate and dispose of the same, and releasing to alien friends lands heretofore escheated to the State, and requiring such alien friends within five years either to sell and convey said lands to citizens of this State, or remove themselves to this State, and declare their intentions to become citizens of the United States, and providing for the appointment of guardians for such of such alien friends as may be minors, and authorizing such guardians to sell and convey such real estate;

From the table and place it upon the files of the House.

Which motion did not prevail.

By the unanimous consent of the House,

Mr. Stuart offered the following resolution:

*Resolved*, That the committee on the Organization of Courts be instructed to report the common pleas bill to the House without amendment; or,

2d. That they be instructed to so amend the bill that the judge of said court of common pleas shall act as his own clerk, receiving therefor such fees as may be allowed by law; or,

3d. That they be instructed to so amend the bill that he shall receive a fixed annual salary, proportionate to the population embraced in the county or counties composing his district; or,

4th. That they be instructed to so amend the bill that two or more counties, embracing as near as may be, a population of 25 or 30 thousand inhabitants, be connected in a common pleas district, for the election of a judge of common pleas; or,

5th. That if none of these plans meet the wishes of the House, that the House be respectfully requested to give the said committee definite instructions as to what system it is the pleasure of the House to adopt.

Which was agreed to.

On motion by Mr. Stuart,

The vote by which his resolution was adopted was reconsidered.

On motion by Mr. Holman,

The further consideration of the resolution was postponed until Thursday the 12th inst., and made the special order for that day at 10 o'clock, A. M.

On motion by Mr. Lewis,

The House adjourned.

MONDAY MORNING, 9 O'CLOCK, }  
February 9, 1852. }

The House met.

The journal of the preceding day was partly read,

When,

On motion by Mr. Owen,

The further reading of the journal was dispensed with.

#### REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary committee, to whom was referred House bill No. 9, entitled "A bill for the appointment of commissioners to relocate the seat of justice of Fountain county," &c., also a resolution on the same subject, have had the same under consideration, and have directed me to report that in the opinion of a majority of the committee, a special act relocating a county seat would violate the 23d section of article 4th of the constitution, as a general law on the subject of relocating county seats could unquestionably be enacted; and therefore recommend the indefinite postponement of said bill.

Mr. Stanfield moved to lay the report on the table.

Which motion did not prevail.

The question then being put on concurring in the report of the committee,

The ayes and noes were demanded by Messrs. Dice and Behm.

*Those who voted in the affirmative were,*

Messrs. Beeson, Brady, Chowning, Gibson, Hay of Clark, Helmer, Henry, Holladay of Parke, Holman, Hostetter, Huey, Kent, Lawrence, Lewis, Litchfield, Morris, Owen, Ray, Schoonover, Smith of Marion, Stuart, Torbet, Williams, Wilson, and Withers—25.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Behm, Bulla, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Crim, Dice, Donaldson, Donham, Doughty, Eccles, English, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Hays of White, Holliday of Blackford, Hudson, Hunt, King, Laverty, Leviston, Major, Manson, McAllister, McConnell, McDonald, McDowell, Miller, Mudget, Nelson, Reynolds, Stevens, Stover, Suit, Sumner, Sweet, Thompson, Walker, Watson, and Mr. Speaker—50.

So the report of the committee was not concurred in.

Mr. Owen moved to recommit the bill to the Judiciary committee with instructions to report a general law on that subject.

And the question being put,

The ayes and noes were demanded by Messrs. Owen and Dice.

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Beeson, Brady, Chowning, Cockrum, Crawford, Foster, Geddes, Hanna, Hays of White, Helmer, Henry, Holladay of Parke, Holman, Hostetter, Hudson, Kent, Laverty, Lawrence, Lewis, Owen, Ray, Schoonover, Smith of Marion, Smith of Spencer, Stuart, Wells, Williams, Wilson, and Withers—31.

*Those who voted in the negative were,*

Messrs. Behm, Bulla, Carpenter, Cowgill, Crim, Cromwell, Dice, Donham, Doughty, English, Gibson, Gookins, Graham, Hay of Clark, Holliday of Blackford, Hunt, Leviston, Major, Manson, McAllister, McDonald, McDowell, Morris, Mudget, Nelson, Reynolds, Stanfield, Stevens, Stover, Suit, Sumner, Sweet, Thompson, Walker, Watson, and Mr. Speaker—36.

So the bill was not so recommitted with the instructions.

On motion by Mr. Dice,

A call of the House was ordered.

The clerk proceeded to the call, when the following members answered to their names:

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, English, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hunt,

Kent, King, Lavery, Lawrence, Leviston, Lewis, Major, Manson, McAllister, McDowell, McDonald, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—78.

On motion by Mr. Hay of Clark,  
A further call of the House was suspended.  
The question then being put, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Beach, Behm, Buskirk, Carpenter, Cowgill, Crim, Cromwell, Dice, Donaldson, Donham, Doughty, English, Goudy, Graham, Gunn, Holladay of Parke, Hudson, King, Leviston, Litchfield, Major, Manson, McConnell, McDonald, Mudget, Nelson, Reynolds, Stevens, Suit, Sweet, Thompson, Walker, and Watson—33.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Beeson, Brady, Bryant, Bulla, Chowning, Cockrum, Crawford, Dobson, Foster, Geddes, Gibson, Gookins, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay of Parke, Holman, Hostetter, Huey, Hunt, Lavery, Lawrence, Lewis, McAllister, McDowell, Miller, Morris, Owen, Porter, Ray, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Stuart, Stover, Wells, Williams, Wilson, Withers, and Mr. Speaker—45.

So the bill did not pass,

By unanimous consent of the House,

Mr. Hay of Clark presented the petition of Samuel H. Patterson, Lessee of the State Prison, relative to an act to lease the State Prison passed January 16th, 1846.

Which,

On motion,

Was referred to the committee on the State Prison.

Mr. Gibson from the committee on the Judiciary made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred chapter thirty-five of the revised code of 1843 on the subject of domestic relations, have had the same under consideration and authorized me to submit the following bill and recommend its passage.



No. 136. A bill declaratory of the law, regulating marriages, and enforcing the same, by proper penalties.

Which was read a first time, and passed to a second reading.

Mr. Owen chairman of the Joint committee on education made the following report:

MR. SPEAKER:

The Joint committee on Education to whom were referred various resolutions regarding amendments to the Common School Law, also the general statute establishing Common Schools, have had the subject under consideration, and have instructed me to report a bill.

No. 137. A bill to provide for a general and uniform system of common schools; providing for the election and defining the duties of township trustees, circuit superintendents, and State superintendent of public instruction; providing for the custody and sale of school lands, the loaning of school funds, and the distribution thereof, the powers of the qualified voters of the township, and the powers and duties of incorporated cities and towns in relation to schools, of the duties of teachers and the evidence of their qualifications; for township school libraries, and the custody and management thereof; for taxes in aid of school funds, and for the establishment of township libraries; defining the duties of county auditors and treasurers, and of the Auditor and Treasurer of State, in relation to schools and school funds, and township libraries; compensation of officers and liability thereof for neglect of duty; duties of county commissioners and school commissioners; for a State Board of Education and the duties thereof; of the division of the State into school circuits; of the qualification of voters in school corporations.

Mr. Gibson moved to suspend the rule and read the bill a first time by its title.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Davis, Dice, Dobson, Donaldson, Doughty, Foster, Geddes, Gibson, Gookins, Graham, Gunn, Helmer, Henry, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hufstetter, Hunt, Lavery, Lawrence, Leviston, Lewis, Litchfield, Major, Manson, McAllister, McConnell, Miller, Morris, Mudget, Nelson, Owen, Ray, Schoonover, Smith of Marion, Stevens, Stuart, Sumner, Walker, Watson, Wells, Williams, and Wilson—57.

*Those who voted in the negative were,*

Messrs. Bulla, English, Hay of Clark, Holladay of Parke, McDonald, McDowell, Porter, Reynolds, Smith of Spencer, Stover, Thompson, Withers, and Mr. Speaker—13.

So the rule was suspended and the bill read a first time by its title.

Mr. Gibson moved to suspend the rule and read the bill a second time by its title.

And the question being put,

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Bryant, Carpenter, Chowning, Cockrum, Cowgill, Crim, Cromwell, Dice, Dobson, Donaldson, Doughty, Geddes, Gibson, Gookins, Hays of White, Helmer, Henry, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Hunt, Lawrence, Leviston, Lewis, Litchfield, Major, Manson, McAllister, McConnell, Miller, Mudget, Morris, Nelson, Owen, Schoonover, Smith of Marion, Stevens, Stuart, Suit, Sumner, Sweet, Torbet, Walker, Watson, Wells, Williams, and Wilson—55.

*Those who voted in the negative were,*

Messrs. Bulla, Buskirk, Crawford, English, Gunn, Hay of Clark, Holladay of Parke, Lavery, McDonald, McDowell, Porter, Ray, Reynolds, Smith of Spencer, Stover, Thompson, Withers, and Mr. Speaker—18.

So the rule was suspended and the bill was read a second time by its title.

Mr. Holman moved to commit the bill to the committee of the whole House on the 23d day of February, at 10 o'clock A. M., and that 1000 copies be ordered to be printed.

Mr. Graham moved to amend the motion, by striking out "1000" and insert "1500."

Which was not agreed to.

Mr. Reynolds moved to amend the motion of Mr. Holman, by striking out "1000" and insert "500" copies.

Which motion prevailed.

The question then being put, on Mr. Holman's proposition as amended by the motion of Mr. Reynolds.

It was decided in the affirmative.

On motion by Mr. Kent,

The vote by which the House agreed to print "500" copies of bill No. 137,

Was reconsidered.

Mr. Gookins moved to amend the proposition to print "500" copies, by striking out "500" and insert "1000."

Mr. Torbet moved to amend the proposition of Mr. Gookins "by instructing the printer to print the bill in open form."

The proposition of Mr. Gookins with the proposed amendment of Mr. Torbet,

Was then agreed to.

Mr. Leviston, chairman of the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee on Corporations to whom was referred a resolution of the House directing them to inquire into the expediency of reporting a bill, providing for the incorporation of bridge companies, have had that subject under consideration, and have directed me to report the following bill, and respectfully recommend its passage.

No. 138. A bill providing for the incorporation of Bridge Companies.

Which was read a first time, and passed to a second reading.

Mr. McDonald, from the committee on Swamp Lands, made the following report:

**MR. SPEAKER:**

The committee on Swamp Lands to which was referred bill No. 93 of the House, relating to the sale of swamp lands, &c., have had the same under consideration, and directed me to report the same back with the following amendments, and recommend its passage:

1st. Amend the first section, by adding the following words:

"And should either of said officers refuse to perform the duties required by this act, it shall be the duty of the Governor to appoint some suitable person or persons, to act as such agents, in accordance with the provisions of this act."

2d. Strike out of section 6th the words, "offered and sold" at the end of the section.

3d. Insert in section 23, after the word "drain" the words "dyke or levee."

4th. Insert in section 42, after the word "forty" the word "one."

5th. Insert in the blank in section 28, the words "not exceeding three."

6th. Strike out the 51st section.

7th. Add the two following sections after section 50:

SEC. —. The Governor shall have power, and is hereby authorized to remove any of the swamp land commissioners, and appoint others in their place whenever he shall be of the opinion the interest of the State requires it.

SEC. —. The Auditor of State shall draw his order on the Treasurer of State, requiring him to place to the credit of the State, out of the first monies received into the treasury for swamp lands, the amount paid out of the State treasury, for the selection of swamp lands, and all other expenses incurred by the State in the disposal thereof.

Mr. McDonald called the previous question ;

Which was not ordered.

Mr. Stuart moved to recommit the bill to the committee on Swamp Lands, with the following instructions :

The Governor shall appoint but one surveyor in each United States Land District.

And further to amend the bill so that the first year the lands shall be offered at \$1 25 per acre, the second year at \$1 per acre, the third year at 75 cents per acre, and all remaining unsold after the third year to be sold at fifty cents per acre.

Mr. McDonald called a division of the question.

The question being first put on recommitting the bill to the committee on Swamp Lands,

It was decided in the negative.

The question being then put, shall the amendments of the committee be concurred in?

It was decided in the affirmative.

Mr. Stuart submitted the following amendments to the bill:

1st. The Governor shall appoint but one surveyor in each United States Land District.

2d. Amend section 37 by adding—

*Provided, however,* That after said land shall have been offered for sale or subject to entry at one dollar and twenty-five cents per acre for one year and remains unsold, it shall be subject to entry at one dollar per acre; at the end of two years it shall be subject to entry at seventy-five cents per acre, and all that remains unsold at the end of three years shall be subject to entry at fifty cents per acre.

Mr. Stuart called a division of the question.

The question being put on the adoption of the first amendment of Mr. Stuart,

The ayes and noes were demanded by Messrs. Stuart and McDonald.

*Those who voted in the affirmative were,*

Messrs. Beane, Beeson, Bryant, Bulla, Carpenter, Cockrum, Doughty, Geddes, Hostetter, Hudson, Huffstetter, Laverty, Lewis, Morris, Owen, Schoonover, Smith of Spencer, and Stuart—18.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Brady, Buskirk, Chowning, Cowgill, Crawford, Crim, Cromwell, Dobson, Donham, Foster, Gibson, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Holladay of Parke, Holliday of Blackford, Holman, Huey, Hunt, Kent, King, Lawrence, Litchfield, Major, Manson, Mayfield, McConnell, McDonald, McDowell, Miller, Mudgett, Nelson, Ray, Reynolds, Smith of Marion, Stanfield, Stevens, Stover, Struble, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—58.

So the amendment was not adopted.

The question then being put on the adoption of the 2d amendment of Mr. Stuart,

It was decided in the negative.

Mr. Nelson offered the following amendment to the bill :

Amend section 37, by adding, "*Provided, however,* that after said land shall have been offered for sale, or subject to entry at one dollar and twenty-five cents per acre for one year, and remains unsold, it shall be subject to entry at one dollar per acre; at the end of two years it shall be subject to entry at seventy-five cents per acre, and all that remains unsold at the end of three years, shall be subject to entry at fifty cents per acre. *And be it further provided,* That if there be more than one applicant for any tract of land, the auditor shall sell it to the highest bidder."

Mr. Dobson moved to amend Mr. Nelson's amendment :

Add after one year, "after they have become drained."

Mr. McDonald moved to lay the amendment and the amendment to the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. McDonald and Nelson.

*Those who voted in the affirmative were,*

Messrs. Beach, Brady, Chowning, Cowgill, Crim, Dice, Doughty, Gibson, Gookins, Gunn, Hanna, Hays of White, Helmer, Holman, Hostetter, Hudson, Hunt, Kent, Lawrence, Leviston, Lewis, Major, Manson, Mayfield, McDonald, Owen, Porter, Ray, Schoonover, Smith of Marion, Stanfield, Stevens, Struble, Suit, Torbet, Walker, Watson, Wells, Williams, Wilson Withers, and Mr. Speaker—42.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Bryant, Bulla, Carpenter, Cockrum, Crawford, Dobson, Donaldson, Donham, English, Geddes, Goudy, Graham, Henry, Holladay of Parke, Holliday of Blackford, Huey, Huffstetter, Lavery, Litchfield, McAllister, McDowell, Miller, Morris, Mudget, Nelson, Reynolds, Smith of Spencer, Stuart, Sweet, and Thompson—32.

So the amendment and the amendment to the amendment were laid on the table.

The question then being put, shall the bill be engrossed for a third reading?

The ayes and noes were demanded by Messrs. McDonald and McDowell.

*Those who voted in the affirmative were,*

Messrs. Beach, Beeson, Brady, Bryant, Chowning, Cowgill, Crawford, Dice, Dobson, Donaldson, Doughty, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Litchfield, Major, Manson, Mayfield, McAllister, McDonald, Miller, Nelson, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Stanfield, Stevens, Struble, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—61.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Bulla, Cockrum, Donham, English, Gookins, Henry, Holladay of Parke, McDowell, Morris, Mudget, Owen, Smith of Spencer, Stuart, and Suit—16.

So the bill was ordered to be engrossed.  
 By unanimous consent of the House,  
 Mr. Brady offered the following resolution:

*Resolved*, That the use of this hall be granted to the social order of temperance for the purpose of lecturing on said subject, Friday evening next at early candlelighting.  
 Which was agreed to.

On motion by Mr. Withers,  
 The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Stuart, from the select committee on Free Banks, made the following report:

**MR. SPEAKER :**

The select committee on General Banking have had that subject under consideration and have instructed me to report a bill.

This bill, in its general features and in most of its details, corresponds to the present general banking law of the State of New York. It differs from it chiefly in this, that it rejects mortgages on real estate as the basis of banking capital; and that it admits, under certain restrictions, the stocks of other States besides our own; slightly discriminating in favor of the stocks of the State of Indiana.

Though there be a respectable minority of the voters of Indiana opposed to all banking, yet the majority in favor of some system of bank paper is believed to be large. The only practical question, therefore, is, what that system shall be.

In all banking, having any claim to be called legitimate, specie must be the ultimate basis; in other words, all bank notes, circulating as money, must be, at all times, redeemable in gold and silver. Accordingly we find, in our Constitution, the above condition set forth as one of those under which alone banking is permitted in Indiana.

But it becomes a question equally practical and important, by what means this prompt redemption shall, under all contingencies, be secured.

By the Constitution two modes intended to attain this object are

placed at our option : the one to charter, by special enactment, a single bank, with mutually responsible branches, but without collateral security for the redemption of its notes; the other, to enact a general banking law, providing for the registry and countersigning, by an officer of State, of all bank notes, previously to their issue, and for the taking of ample collateral security, readily convertible into specie, of all such notes; such collateral security to be placed, previously to the issue of such notes, under the control of one or more of the officers of State.

Your committee believe that, under the former of these two systems, namely, a bank with branches, the commercial interests of the State cannot obtain adequate banking facilities and will be driven to seek these in adjoining States. The stockholders of the present State Bank, of which the branches are mutually responsible, though permitted by law to increase the number of their branches, and though such increase has been earnestly demanded in various portions of the State, have uniformly refused to grant it; fearing (and, in all probability, justly fearing) the increased responsibility to themselves by such extension.

But there is, in this connection, another consideration of much greater weight. It is whether, under any banking system, whence the principle of collateral security, placed in disinterested hands, is excluded, the bill holder can be safe. Without such safeguard, his chief security, beyond the honesty and the prudence of the banker or the board of directors, is the deposit and the preservation, in the bank vaults, of a certain amount of coin. The question is an important one, "Is this sufficient security?"

Your committee think it is not. In the first place, the amount of coin so deposited and kept, never can be equal, or nearly equal, to the amount of notes issued. Gold or silver locked up in a vault, is unproductive,—breeds no interest,—yields no dividend. No banker, therefore, will keep in his vault one silver or gold dollar for every paper dollar he issues. No banker *can* do this, and realise his expenses, to say nothing of profits. There is no conceivable motive for such an operation. The silver and gold dollars themselves may be issued. Why, then, go to the expense of note-plates, printing, and paper?

Accordingly, we find that, under every system of incorporated banks, without collateral security, the banker or directors are permitted to issue at least two paper dollars for every metal dollar the bank possesses; usually two and a half or three dollars. Under that system, some such license is indispensable, if the banker is to make any profit at all.

But thirty-five or forty, or fifty thousand dollars, though it be in gold or silver, never can be sufficient security for the redemption of a hundred thousand dollars in paper.

Nor is this all. Even if it were possible to carry on banking under a system which shall require the deposit of specie, dollar for dollar,



to secure bank bills issued as money, still the security must, of necessity, be imperfect, so long as that specie is left in the keeping of the banker himself. A chattel mortgage is, notoriously, but precarious security, and becomes almost valueless, when the personal property so mortgaged remains in the custody of the mortgagor.

These conclusions, plain and logical on their face, are verified by the entire history of banking. The losses throughout our country from the days of her independence, directly traceable to irresponsible banking alone,—banking under special charters, with specie to be left in the bank vault as a basis of security,—are to be reckoned not by millions, not even by tens of millions, by hundreds of millions of dollars.

In truth, under such a system, divested of the safeguard of external collateral security, the personal honesty of the officers of the bank, must ever be the chief security to the public for the redemption of its bills. A dishonest president and cashier might prove most satisfactorily, one week, that their capital was all paid in, and the requisite amount of specie safely locked up in their vaults; the next they might issue their bills for property easily convertible, and the next, decamp with the proceeds to California.

No such disasters have occurred, or can occur, under a properly guarded system of general banking.

The system of general banking, with collateral security lodged in the hands of a public officer, was first tried in New York, thirteen years ago, and has been gradually maturing since. Originally, it was defective, chiefly in the following particulars:

*First.* It permitted the deposit of any State stocks, equal to *five* per cent. stocks, that might be approved by the comptroller.

*Second.* It allowed half the amount of deposit, instead of being stocks, to be mortgages, bearing six per cent. on real estate taken at half its appraised value.

*Third.* Beyond the stock and mortgages deposited, there was no individual liability of stockholders.

Under this system, imperfect and ill-guarded as it clearly was, certain losses occurred, the amount of which, however, has, by the enemies of the system of general banking, been greatly exaggerated. Out of 104 banks, (with a capital of nearly ten millions,) 31 (with a capital of less than a million and a half,) failed. These ultimately paid an average of *seventy-six* cents on the dollar,—making the actual loss to the bill holder about *one-third of a million*, or about *one-thirtieth* of the entire capital invested in free banks. In other words, the loss was of *three and one-third per cent.* on that capital. And this occurred at a time of the most trying commercial difficulties, when the stocks of the various States depreciated in value to an unheard-of extent,—when nothing saved our own State Bank but a law such as is no longer constitutional, authorizing it to suspend specie payments. Had it been left, like the New York free banks, to its fate, the loss on its notes would, in all human probability, have been much greater than

the average of that incurred by the holders of New York free bank bills.

And if we compare the entire loss under the New York free banking law—even under its enlarged and most faulty provisions—with that sustained under the special charter system of other States, it sinks into insignificance. It is but a twentieth of that which was incurred from bank failures in Mississippi, and less than a twentieth of that suffered in Louisiana. Arkansas, under the same system of bank monopoly, lost ten times as much by her banks.

But the Constitutional Convention and the Legislature of New York, taught by experience, reformed their system, to a considerable extent. They shut out the stocks of all States but their own, required that the stocks deposited should be made equal to six per cent. stocks, (instead of *five*) and provided for the individual liability of the stockholder, to an amount, over and above his stock, equal to his stock.

Under this amended system, since the adoption of the new Constitution, in 1846, up to last year, a single bank only had failed, that of Walter Joy, in Buffalo. It was wound up, without the loss of a dollar to the bill holders. The report of the New York Superintendent of the Banking Department for 1851-2, states that all its paper had been redeemed and cancelled except \$412, and that the State now holds in trust for that Bank the sum of \$2966, derived from the sale of stocks, six times as much as is necessary to redeem its outstanding bills.

Five other banks have since suffered their notes to be protested, but three of these resumed without the necessity of selling out their stocks. Two only, the James Bank and the Bank of New Rochelle failed to pay their protested notes within the ten days allowed by law. The circulation of these two banks taken together is about \$214,000. As the entire circulation of free banks in New York, is about \$15,671,000, it is less than *one-seventieth* of the whole. Sixty-nine seventieths of the circulation has been redeemed without default.

Both of these defaulting banks had made nearly one half their deposits in bonds and mortgages, instead of stocks, and the Bank Superintendent says of them: "The bonds and mortgages held in trust for these banks sold at a large discount." What the ultimate loss, if any, on their bills, will be, has not yet been ascertained.

Under this revised system not one dollar of loss to the bill holder has occurred, except where bonds and mortgages constituted a large proportion of the collateral security deposited with the public officer. Thus admonished, your committee, have wholly excluded these.

Millard Fillmore, now President of the United States, in his able report as comptroller, in 1848, says of the system of free or general banking. "This system has been tried and tested by nearly twelve years experience, and may now be regarded as firmly established in

public estimation, as the basis of all future legislation on the subject of banking."

Mr. St. John, the present Bank Superintendent, says, in his annual report to the New York Legislature, made last month: "Our system of free banking, if fairly and honestly carried out, presents as perfect a combination of all the elements of security to the public and to bill holders as can well be devised."

As between the two rival systems, it would seem that the matter stands thus: There ought to be complete security for the bill holder. This can only be given in the shape of *productive* security, as, for example, stocks yielding dividends. For the deposit of any unproductive security, as gold or silver, in sufficient quantity, to make quite safe the bill holder, would annihilate all bank profits.

But again, the fact that a bank bill is fully secured ought to be certified, to the satisfaction of every one to whom it may be tendered. By whom should this be done? By the officers of the bank, virtually declaring, by their signatures, that there is gold or silver in the bank vault, to redeem the note signed by them? Your committee think not.

If it be right and proper that the public should be satisfactorily assured, that a bank is solvent and trust worthy, that there lies somewhere, in safe deposit, the wealth of which a bank note is the representative, it is clearly not the banker himself who should tender, to his fellow citizens, that assurance, but some one else for him.

This, then, your committee regard as the great leading difference between the two systems; in the one, the security (if indeed, it be security,) remains in the custody of the banker; in the other it passes into the custody of the Government. It can hardly admit of doubt which is the safer system for the bill-holder.

It should be remembered however, that the final safety and sufficiency of the security for the redemption of bank bills is not the only point to be guarded. It is a cardinal principle in sound and safe banking, that whatever the banker depends on to redeem his issues, should not only be ample and ultimately secure in the future, but capable of being converted, at a few day's notice, without any serious sacrifice, into that gold and silver, which his outstanding notes promise and represent.

Governed by this consideration and by the experience of New York, your committee have admitted United States and State stocks only as security, and have rejected bonds and mortgages. These last are even less readily convertible here than in New York; and the delay incident to their foreclosure would be almost as fatal to the bill-holder, if a poor man and unable to wait for his money, as would ultimate insolvency of the suspended bank.

Your committee are aware that, under the severe conditions embodied in the bill which they now report, the profits of banking will be moderate only; and that we can expect the general banking system to spring up among us only by slow and gradual degrees. But

even if the capital thus invested should prove insufficient to afford to increasing commercial enterprise all the banking facilities it may reasonably demand, that, your committee believe, is a far lesser evil than a system of banking, based on ill-secured promises, resulting for a time in inflated prosperity, but to be followed before a few years have passed, by reaction and insolvency.

It has been thought by some, that a general banking system cannot sustain itself, in the presence and against the competition of incorporated banks. But the experience of New York does not justify such an opinion. Of her entire bank circulation, reaching thirty-five millions, about twenty millions is of incorporated banks created by special charter, and about fifteen millions is issued by the free banks created by general law. On the first of December, 1848, the circulation of these latter was a trifle less than ten millions. The rival system does not seem, therefore, to have prevented their increase.

With these brief remarks on the comparative merits of the two systems, your committee submit the bill prepared by them, and recommend its passage.

No. 139. A bill to authorize and regulate the business of general banking.

Which was read a first time and passed to a second reading.

#### RESOLUTIONS OF THE HOUSE.

Mr. Cockrum offered the following resolution :

*Resolved*, That this House will, the Senate agreeing thereto, adjourn *sine die* on Monday the 8th day of March next.

Mr. Smith of Spencer moved to amend the resolution by striking out the 8th of March, and insert the 23d of February ;

Which motion did not prevail.

On motion by Mr. Brady,

The resolution and pending amendment were indefinitely postponed.

Mr. Doughty offered the following resolution :

*Resolved*, That the Judiciary committee be and they are hereby instructed to introduce a bill providing for the present mode of doing Probate business and increasing the pay of probate judges.

On motion by Mr. Withers,  
The resolution was laid on the table.  
On motion by Mr. Stanfield,

*Resolved*, That the Judiciary committee inquire and report—

1st. Whether to require a person to appear and testify before a grand jury, as a witness for the State, and to enforce attendance by attachment, is "demanding particular services," within the meaning of the 21st section, 1st article of the Constitution ;

2d. Whether any mode is now prescribed by law for making "just compensation" for such services ;

3d. What legislation may be necessary and proper in the premises.

4th. To report a proper bill or resolution, if any be deemed necessary to enable courts to enforce the attendance of witnesses before grand juries.

Also, to report whether, because of the possibility that a witness summoned on the part of the State, in prosecutions for offence, upon trials thereof in court, may obtain his fees, upon the contingency of the defendant being connected and able to pay, such witness is to be held as receiving "just compensation," so that in the event of his failing to appear, he may be attached for a contempt, and his attendance enforced.

#### JOINT RESOLUTIONS INTRODUCED.

By Mr. Huffstetter :

No. 23. A joint resolution asking the passage of a law by Congress, authorizing the State of Indiana to sell the saline lands that remain unsold at such price as may be deemed right by the General Assembly of the State ;

Which was read a first time, and passed to a second reading.

By Mr. Hunt :

No. 24. A joint resolution on the subject of a ship canal around the rapids of the St. Marys river, connecting Lake Superior with the other Northern Lakes ;

Which was read a first time and passed to a second reading.

By unanimous consent of the House,  
Mr. McDonald offered the following resolution :

*Resolved*, That the Auditor of State be requested to inform this

House the amount of money paid out for the selection of swamp lands, the names of the persons to whom paid, for what county the same was paid, and the amount of services as charged by said persons.

Which was agreed to.

On motion by Mr. Gibson,

House bill No. 102. A bill regulating the licensing of pilots at the Falls of the Ohio, requiring bonds and security of said pilots, &c.;  
Was taken from the table, and placed on the files of the House.

On motion by Mr. Gibson,

House bill No. 118. A bill authorizing alien friends to take by descent or devise real estate, and dispose of the same, and releasing to alien friends lands heretofore escheated to the State, &c.;  
Was taken from the table and placed on the files of the House.

A message from the Governor, by Mr. King, executive messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:  
No. 132. An act to postpone the day of the beginning of the Dearborn circuit court for the February term, 1852.  
No. 83. An act to divide the State into congressional districts.  
Which bills originated in the House.

#### ORDERS OF THE DAY.

#### *House Bills on Second Reading.*

No. 135. A bill authorizing county auditors to take acknowledgments of deeds, and administer deeds in certain cases;  
Was read a second time and ordered to be engrossed.

On motion by Mr. Gookins,

House bill No. 123. A bill to establish circuit courts, and define the duties and powers of the Judges and officers of said court;  
Was taken from the table and placed on the files of the House.

Joint resolution of the House,

No. 20. A joint resolution in relation to the election of United States Senators, by the people of the States;  
Was read a second time.

On motion by Mr. Gookins,

The joint resolution was amended by striking out "honorable" wherever it occurs and insert "proper."

The joint resolution was then ordered to be engrossed.

No. 21. A joint resolution on the subject of swamp lands granted by the United States to the State of Indiana;  
Was read a second time.

Mr. McDonald moved to lay the joint resolution on the table.

And the question being put,

The ayes and noes were demanded by Messrs. McDonald and English.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Cockrum, Cowgill, Crawford, Crim, Davis, Dice, Donham, Doughty, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Lewis, Litchfield, Major, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Nelson, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Stanfield, Stover, Struble, Sweet, Walker, and Williams—61.

*Those who voted in the negative were,*

Messrs. Barker, Dobson, Donaldson, Douthit, English, Holliday of Blackford, Holman, Smith of Spencer, Stuart, Suit, Sumner, Torbet, Watson, Wells, Wilson, Withers and Mr. Speaker—17.

So the joint resolution was laid on the table.

No. 22. A joint resolution instructing our Senators and requesting our Representatives in Congress, to use their influence and exertions to obtain a grant of public lands, to aid in the construction of certain railroads;

Was read a second time and ordered to be engrossed.

## HOUSE BILLS ON THIRD READING.

No. 82. A bill to enable the Madison and Indianapolis Railroad Company to avoid the inclined plane at Madison, to provide for the sale of the interest of the State in said railroad, and to repeal, so far as it affects the Madison and Indianapolis Railroad Company, the 55th and 58th sections of the act entitled an act for the continuance and construction of all or any part of the public works of this State, by private companies, and for abolishing the Board of Internal Improvements, and the offices of Fund Commissioner and Chief Engineer, approved January 28, 1842.

Was read a third time.

Mr. Dobson moved to recommit the bill to a select committee of three, with the following instructions:

Amend by adding the following to the fifth section :

*Provided*, That the said market value of the said two and one-half per cent. State stocks of the State of Indiana shall in no case be estimated at a less sum than fifty cents on the dollar.

Mr. Owen moved to amend the instructions of Mr. Dobson by striking out "fifty," and insert "forty-four."

Which motion prevailed.

Mr. Stover moved to amend the instructions as follows :

The committee further to amend the bill by adding "other," after the word "any."

Which was agreed to.

On motion by Mr. Brady,

The instructions were amended as follows :

Strike out the 11th section of the bill.

The bill was then committed to a select committee of three, with the instructions.

Messrs. Dobson, Owen, and Gookins were appointed said committee.

No. 17. A joint resolution in relation to the improvement of the Patoka, and east fork of White river.

Was read a third time.

The question being, Shall joint the resolution pass,



*Those who voted in the affirmative were,*

Messrs. Barker, Behm, Brady, Cockrum, Davis, Doughty, Graham, Hanna, Hart, Hay of Clark, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huffstetter, Hunt, King, Lewis, McConnell, McDonald, Nelson, Porter, Ray, Smith of Marion, Smith of Spencer, Suit, Sumner, Sweet, Thompson, Walker, Watson, and Williams—34.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Beeson, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crawford, Cromwell, Dice, Donham, Douthit, Eccles, English, Foster, Gibson, Goudy, Gunn, Hays of White, Helmer, Henry, Huey, Humphreys, Kent, Lavery, Lawrence, Litchfield, Major, Manson, McAllister, McDowell, Miller, Morris, Mudget, Owen, Reynolds, Schoonover, Stover, Struble, Stuart, Torbet, Wells, Wilson, Withers, and Mr. Speaker—46.

So the joint resolution did not pass, there not being a constitutional majority voting therefor.

House bill No. 129. A bill for the recovery of property removed by high water.

Was read a third time.

On motion by Mr. Williams,

By unanimous consent of the House,

The bill was amended by striking out "30," and insert "60," in the bill.

The question being, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Gibson, Gookins, Goudy, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Lewis, Litchfield, Major, Manson, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—81.

*Those who voted in the negative were,*

Messrs. Dobson and Graham—2.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Dobson, from a select committee, made the following report :

**MR. SPEAKER:**

The select committee to whom was referred bill of the House No. 82, relative to the sale of the interest of the State in the Madison and Indianapolis Railroad, report the same back, in accordance with the instructions sent to them with the following amendments :

1. Strike out the 11th section.

2. Add at the close of the 5th section the words:

*“ Provided, That the said market value of the said two and a-half per cent. stocks of the State of Indiana shall, in no case, be estimated at a less sum than forty-four cents on the dollar.*

3. Insert the word “other” after the word “any” in the fifth line of the tenth section.

Which was concurred in and the amendment agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Eccles, Foster, Gookins, Hays of White, Henry, Hicks, Holliday of Blackford, Hostetter, Hudson, Huey, Hunt, Kent, King, Lavery, Lawrence, Lewis, Litchfield, Major, Mayfield, McAllister, McDonald, McDowell, Morris, Mudget, Owen, Reynolds, Schoonover, Smith of Marion, Stanfield, Stevens, Stover, Stuart, Suit, Sweet, Watson, Williams, and Wilson—57.

*Those who voted in the negative were,*

Messrs. Beeson, Douthit, English, Gibson, Graham, Gunn, Hart, Hay of Clark, Helmer, Holladay of Parke, Holman, Huffstetter, Humphreys, Manson, McConnell, Miller, Nelson, Porter, Ray, Smith

of Spencer, Struble, Sumner, Torbet, Walker, Wells, Withers and Mr. Speaker—27.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Senate joint resolution,

No. 67. A joint resolution directing the publication of the constitution of this State;

Was read a third time.

The question being put, Shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Beeson, Brady, Bryant, Bulla, Buskirk, Chowning, Cowgill, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Gibson, Gookins, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Lewis, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Ray, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—79.

*Those who voted in the negative were,*

Messrs. Behm, Cockrum, Crawford, Graham, and Hart—5.

So the joint resolution passed.

Ordered, that the clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Stuart introduced,

No. 140. A bill to equalize the salaries of State and judicial and certain county officers.

Which was read a first time, and passed to a second reading.

On motion by Mr. Doughty,

The following resolution was taken from the table:

*Resolved*, That the Judiciary committee be and they are hereby instructed to introduce a bill providing for the present mode of doing probate business and increasing the pay of probate judges.

Mr. Brady moved to postpone the consideration of the resolution until Thursday next, the 13th inst.;

Which motion did not prevail.

The question then being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Doughty and Holman.

*Those who voted in the affirmative were,*

Messrs. Bulla, Cockrum, Davis, Doughty, Goudy, Hostetter, Hostetter, Mayfield, McDonald, Porter, Ray, Schoonover, Smith of Marion, Thompson, Watson, Wells, and Williams—17.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Chowning, Cowgill, Crawford, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Geddes, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hudson, Huey, Humphreys, Hunt, Kent, Laverty, Lawrence, Lewis, Litchfield, Major, Manson, McAllister, McConnell, McDowell, Miller, Morris, Mudgett, Nelson, Reynolds, Smith of Spencer, Stanfield, Stover, Struble, Stuart, Suit, Sumner, Sweet, Torbet, Walker, Wilson, Withers, and Mr. Speaker—63.

So the resolution was not adopted.

On motion by Mr. Reynolds,

House bill No. 48. A bill to provide for the sale of county seminaries and the property belonging thereto, and to transfer the proceeds thereof to the common school fund;

Was taken from the table, and placed upon the files of the House.

On motion by Mr. McConnell,

The House adjourned.

TUESDAY MORNING, 9 o'clock, }  
February 10, 1852.

The House met.

The Journal of the preceding day was read.

On motion by Mr. Bryant,  
Mr. Owen obtained leave of absence.

On motion by Mr. Hunt,  
Leave of absence was granted Mr. Hay of Clark.

PETITIONS PRESENTED.

By Mr. Nelson:

The petition of a large number of the citizens of Allen county, praying that the present law relative to lien on boats, &c., may not be repealed;

Which,

On motion,

Was referred to the committee on the Rights and Privileges of the Inhabitants of this State.

By Mr. Goudy:

The temperance memorial of 45 persons of Jasper county;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Hicks:

The temperance memorial of 25 gentlemen of Jennings county;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Douthit:

The temperance memorial of sundry ladies of this State;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Shanklin:

Two temperance memorials from sundry ladies and gentle men of this State;

Which,

On motion,

Were referred to the committee on Temperance.

By unanimous consent of the House,  
Mr. Stover offered the following resolution :

*Resolved*, That the use of this Hall be granted to Samuel K. Hos-  
hour, of Cambridge city, on Tuesday evening, the 17th inst., for the  
purpose of delivering a lecture on the subject of common schools.  
Which was agreed to.

By unanimous consent of the House,  
Mr. King offered the following resolution :

*Resolved*, That the following species of property be subject to ex-  
ecution, and that the Judiciary committee be instructed to report a  
bill embodying provisions for effecting the same :

*First*. Real estate or any interest therein.

*Second*. Personal property of every species, with necessary and  
proper special provisions to facilitate the seizure, sale, and transfer  
of the following classes thereof :

1st. Judgments of any court in favor of execution debtor.

2d. Debts due to the execution debtor in his own right.

3d. Stocks in banking, insurance, saving institutions, road, and  
other corporations.

4th. Money deposits, general or special, in any banking or other  
moneyed corporation.

Which was agreed to.

#### ORDERS OF THE DAY.

#### *House Bills on Second Reading.*

No. 136. A bill declaratory of the law regulating marriages and  
enforcing the same by proper penalties.

Was read a second time.

Mr. Gibson submitted the following amendment to the bill :

Insert after the word "persons," in the first line of section 4, the  
words, "except members of the society of Friends."

The question being put on its adoption,

The ayes and noes were demanded by Messrs. Behm and Suit.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Bryant, Bulla, Buskirk, Cowgill, Crawford, Cromwell, Davis, Dice, Donaldson, Doughty, Douthit, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hays of White, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lewis, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Porter, Reynolds, Shanklin, Smith of Marion, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Torbet, Walker, Watson, and Wilson—59.

*Those who voted in the negative were,*

Messrs. Behm, Chowning, Cockrum, Dobson, Donham, Eccles, Hanna, Henry, Kent, Lavery, Litchfield, Major, Manson, Nelson, Ray, Smith of Spencer, Staton, Williams, Withers, and Mr. Speaker—20.

So the amendment was agreed to.

On motion by Mr. Holliday of Parke,

The bill was amended by striking out "Quakers," and insert, "Friends."

Mr. Doughty moved to amend the bill by striking out "14," and insert "16;" also, strike out "17" and insert "20."

Which was not agreed to.

Mr. Stover moved to amend the bill by striking out \$20 and insert \$5.

And the question being put,

The ayes and noes were demanded by Messrs. Davis of Franklin and Stover.

*Those who voted in the affirmative were,*

Messrs. Davis, Goudy, Hanna, Holladay of Parke, Lavery, Lawrence, Leviston, Litchfield, Major, Manson, Morris, Ray, Smith of Spencer, Stover, Watson, Wells, Williams, Wilson, Withers and Mr. Speaker—20.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Gibson, Gookins, Graham, Gunn, Hays of White, Helmer, Henry, Hicks, Holliday of

Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lewis, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Porter, Reynolds, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Torbet, and Walker—60.

So the motion did not prevail.

Mr. Buskirk submitted the following amendment to the bill:

Amend section nine as follows:

Strike out five hundred dollars, and insert not less than one hundred, nor more than one thousand dollars.

Mr. Hudson moved to amend the amendment as follows:

“Any sum that, in the discretion of the jury, shall seem right.”

And the question being put;

It was decided in the affirmative.

The question then being put, shall the amendment of Mr. Buskirk, as amended by the motion of Mr. Hudson, be adopted?

It was decided in the affirmative.

The hour having arrived for the consideration of the special order of the day, House bill

No. 59. A bill to provide for the incorporation of railroad companies.

Mr. Gibson moved to suspend the special order of the day, House bill No. 59, until 2 o'clock, P. M.

Mr. Buskirk suggested until Friday the 29th inst., at 10 o'clock, A. M.

And the question being put:

The ayes and noes were demanded by Messrs. Stuart and Buskirk.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Brady, Buskirk, Chowning, Cockrum, Crawford, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Hanna, Helmer, Hicks, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hunt, Kent, King, Lewis, Major, Manson, Mayfield, McAllister, McDowell, Miller, Porter, Ray, Schoonover, Smith of Marion, Smith of Spencer, Stevens, Stover, Torbet, Watson, Wilson, and Mr. Speaker—46.



*Those who voted in the negative were,*

Messrs. Beane, Behm, Bryant, Cowgill, Cromwell, Davis, Gookins, Goudy, Gunn, Hays of White, Henry, Holladay of Parke, Humphreys, Lawrence, Leviston, Litchfield, McDonald, Morris, Nelson, Reynolds, Shanklin, Stanfield, Struble, Stuart, Suit, Sumner, Sweet, Walker, Wells, Williams, and Withers—31.

So the special order was postponed until Friday the 20th inst., at 10 o'clock, A. M.

Mr. Smith of Spencer, then submitted the following amendment to bill No. 136:

The clerk of each monthly meeting of the society of Friends, commonly called "Quakers," shall certify every marriage up to the clerk of the circuit court of the county in which said marriage has been accomplished, within thirty days thereafter, which certificate shall be entered of record by said clerk of the circuit court, and preserved as other marriage certificates are.

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Smith of Spencer and Davis of Franklin.

*Those who voted in the affirmative were,*

Messrs. Beach, Behm, Cockrum, Cowgill, Crawford, Dobson, Geddes, Hanna, Hays of White, Helmer, Hicks, King, Major, Manson, Nelson, Porter, Smith of Spencer, Staton, Stevens, Stover, Walker, Wells, and Williams—23.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Brady, Bryant, Buskirk, Chowning, Davis, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Goudy, Graham, Gunn, Henry, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Humphreys, Hunt, Lawrence, Leviston, Lewis, Litchfield, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Reynolds, Schoonover, Shanklin, Smith of Marion, Stanfield, Struble, Stuart, Suit, Sumner, Sweet, Torbet, Watson, Wilson, Withers, and Mr. Speaker—52.

So the amendment was not adopted.

Mr. Stuart moved to recommit the bill to the Judiciary committee, with the following instructions:

"Strike out all in the bill requiring license."

And the question being put,  
The ayes and noes were demanded by Messrs. Stover and Behm.

*Those who voted in the affirmative were,*

Messrs. Beach, Behm, Brady, Chowning, Crawford, Cromwell, Davis, Douthit, Geddes, Graham, Hanna, Hays of White, Henry, Holladay of Parke, Major, Manson, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Reynolds, Schoonover, Smith of Spencer, Stevens, Stuart, Williams, Wilson, Withers, and Mr. Speaker—31.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Bryant, Bulla, Buskirk, Cockrum, Cowgill, Dice, Dobson, Donaldson, Donham, Doughty, Eccles, Foster, Gibson, Gookins, Goudy, Gunn, Hart, Helmer, Hicks, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lewis, Litchfield, McConnell, Nelson, Porter, Ray, Shanklin, Smith of Marion, Stanfield, Staton, Stover, Struble, Suit, Sumner, Sweet, Torbet, Walker, Watson and Wells—52.

So the bill was not so recommitted with the instructions.

Mr. Smith of Marion, moved to recommit the bill to the Judiciary committee, with the following instructions :

To provide for license in all cases except where the marriage ceremony is solemnized in the presence of any meeting, and a record made of the same.

And the question being put,  
It was decided in the negative.

Mr. Williams submitted the following amendment to the bill :

SEC. 9. Strike out the State of Indiana for the use of Common Schools, and insert the parties aggrieved.

And the question being put on its adoption,  
The ayes and noes were demanded by Messrs. Williams and McDonald.

*Those who voted in the affirmative were,*

Messrs. Bulla, Graham, Gunn, Helmer, Hicks, Hudson, Humphreys, Major, McDonald, McDowell, Ray, Reynolds, Smith of Spencer, Stanfield, Staton, Struble, Stuart, Suit, Sumner, Walker, Williams, and Withers—22.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Behm, Bryant, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Hanna, Hart, Hays of White, Henry, Holladay of Parke, Holliday of Blackford Holman, Hostetter, Huey, Huffstetter, Hunt, King, Lavery, Lawrence, Lewis, Litchfield, Manson, McAllister, McConnell, Morris, Nelson, Porter, Schoonover, Shanklin, Smith of Marion, Stevens, Stover, Sweet, Torbet, Watson, Wells, Wilson, and Mr. Speaker—56.

So the amendment was not agreed to.

The bill was then ordered to be engrossed.

No. 138. A bill providing for the incorporation of Bridge companies.

Was read a second time.

On motion by Mr. Gookins,

The bill was laid on the table and 150 copies ordered to be printed.

No. 139. A bill to authorize and regulate the business of general banking.

Mr. Stuart moved to suspend the rule and read the bill a second time by its title.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Cromwell, Dice, Donaldson, Donham, Eccles, Geddes, Gibson, Gookins, Graham, Hanna, Hays of White, Helmer, Holladay of Parke, Holliday of Blackford, Holman, Hudson, Huey, Huffstetter, Humphreys, Kent, King, Lavery, Lawrence, Lewis, Major, Mayfield, McAllister, Miller, Nelson, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Torbet, Wells, Williams, Wilson, and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Crawford, Davis, Dobson, Douthit, Goudy, Gunn, Hart, Henry, Hicks, Litchfield, McConnell, McDonald, McDowell, Morris, Porter, Ray, Shanklin, Staton, Walker, Watson, and Withers—21.

So the rule was suspended, and the bill was read a second time by its title.

Mr. McDowell submitted the following amendments to the bill:

Strike out of the second line of the third section the word "one," and insert "five."

Strike out section thirty-one, and insert the following section:

"It shall not be lawful for any association formed under the provisions of this act to employ any broker to transact any business, or be concerned, either directly or indirectly, in any way whatever, with any broker, or in any brokerage business."

Strike out of the thirty-second section the words "twelve and a half," and insert "twenty-five."

On motion by Mr. McDowell,

The bill and amendments were laid on the table, and 150 copies ordered to be printed.

Mr. Hudson moved to print 500 copies of the bill and the report of the committee;

Which motion did not prevail.

On motion by Mr. Hudson,

150 copies of the report of the committee on the subject of banks, were ordered to be printed with the bill.

No. 140. A bill to equalize the salaries of State, and judicial and certain county officers;

Was read a second time.

On motion by Mr. Donaldson,

The bill was committed to the committee on Fees and Salaries, with instructions to fix the fees and salaries of all the State and county officers.

House joint resolution No. 23. A joint resolution asking the passage of a law by Congress authorizing the State of Indiana to sell the saline lands that remain unsold, at such price as may be deemed right by the General Assembly of the State;

Was read a second time and ordered to be engrossed.

No. 24. A joint resolution on the subject of a ship canal around the rapids of the St. Mary's river, connecting Lake Superior with the other Northern Lakes;

Was read a second time.

On motion by Mr. Smith of Marion,

The joint resolution was referred to the committee on Manufactures and Commerce.

## HOUSE BILLS ON THIRD READING.

No. 22. A joint resolution instructing our Senators, and requesting our Representatives in Congress to use their influence and exertions to obtain a grant of public lands to aid in the construction of certain railroads;

Was read a third time.

The question being put, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Donaldson, Donham, Doughty, Eccles, Geddes, Gibson, Goudy, Graham, Gnnn, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Leviston, Lewis, Litchfield, Manson, Mayfield, McAllister, McConnell, McDonald, Morris, Nelson, Ray, Schoonover, Shanklin, Smith of Marion, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Douthit, Hart, Lawrence, McDowell, Reynolds, and Smith of Spencer—6.

So the joint resolution passed.

Ordered that the clerk inform the Senate thereof.

No. 102. A bill regulating the licensing of pilots at the Falls of the Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots and the revocation of their licenses;

The question being on the engrossment of the bill,

On motion by Mr. Gibson,

The bill was amended, so that not more than eight pilots shall be licensed.

The bill was then ordered to be engrossed.

No. 118. A bill authorizing alien friends, to take by descent or devise real estate, and dispose of the same and releasing to alien

friends lands heretofore escheated to the State, and requiring such alien friends within five years, either to sell and convey said lands to citizens of this State, or remove themselves to this State, and declare their intention to become citizens of the United States, and providing for the appointment of guardians for such of such alien friends as may be minors, and authorizing such guardians to sell and convey such real estate.

The question being, shall the bill be engrossed?

On motion by Mr. Nelson,

The further consideration of the bill was postponed until the 17th inst. at 10 o'clock A. M.

On motion by Mr. McDowell,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

#### ORDERS OF THE DAY RESUMED.

No. 123. A bill to establish circuit courts, and define the powers and duties of the Judges, and officers of such courts.

The question being, shall the bill be engrossed?

Mr. Gookins offered the following amendment to the bill.

Strike out from the enacting clause and insert the following:

"That the State shall be divided into ——— circuits for each of which a president judge shall be appointed, who, during his continuance in office, shall preside therein.

SEC. —. The number of circuits may be increased by law, as the wants of the State shall require.

SEC. —. Each judge of the circuit court shall be commissioned by the Governor, and the oath prescribed in article 15, section 4, of the constitution shall be endorsed on his commission and a copy thereof filed in the office of Secretary of State.

SEC. —. Each court held in the respective counties of said circuits, shall be called and styled "——— Circuit Court," according to the name of the county in which it may be holden.

SEC. —. The circuit court shall hold three terms in each county, in every year, at the times fixed by law.

SEC. —. Such circuits in their respective counties, shall have

cognizance of all suits, complaints, pleas, and matters, real, personal, and mixed, and of all civil actions between party and party which shall be legally brought before them.

SEC. —. The circuit court shall have original jurisdiction of all crimes punishable by indictment, and all other offences of which cognizance is not given by law to any other court, and such appellate jurisdiction from inferior courts as may be prescribed by law.

SEC. —. The circuit court shall have original jurisdiction in all matters relating to the probate of last wills and testaments, the granting of letters testamentary, of administration and of guardianship; of all matters relating to the settlement and distribution of decedents' estates, and the estates of minors, idiots, and lunatics, and the examination and allowance of the accounts of executors, administrators and guardians.

SEC. —. When the subject matter of any suit or proceeding of which the circuit court may have jurisdiction shall be situated in two or more counties, the court which shall first take cognizance thereof by the commencement of proceedings, shall retain the same throughout.

SEC. —. Writs of citation, attachment and distringas, shall be issued upon the order of the court, and may be made returnable to the same or to a succeeding term.

SEC. —. The clerk of the circuit court shall keep a docket of all causes pending in said court, in which the causes shall be docketed in the following order :

*First.* All decedents' estates and estates of minors, idiots and lunatics pending and unsettled in said court, and all causes relating to the probate of wills, and to the granting of letters testamentary, or of administration, or guardianship.

*Second.* The criminal docket.

*Third.* The civil docket; which matters and causes shall be docketed in the order in which they are brought in said court.

SEC. —. The circuit court or the judges thereof in vacation, shall appoint in each county in their respective circuits, as many auditors of accounts as the number of weeks for which said court shall be allowed to sit in such county at each term thereof; said appointment shall be in writing and the person so appointed shall take an oath that he will faithfully discharge his duties as such auditor of accounts, according to the best of his ability, which oath shall be endorsed on his appointment, and said appointment and oath shall be recorded on the order book of the circuit court.

SEC. —. Every such auditor of accounts shall have power in vacation of the circuit court, to issue writs of habeas corpus, and to grant and enforce writs of *ne exeat* and injunction, and to take and approve *ne exeat* and injunction bonds, in the same manner and to the same extent that judges of the circuit court may do in vacation of such courts.

SEC. —. In any county in which the circuit court is not allowed

by law to sit more than one week, the clerk of the circuit court, may by virtue of his office perform the duties of auditor of accounts, and his oath of office as such clerk shall cover all acts done by him in that capacity: *Provided*, That the judge of said court may appoint an auditor for such county, if in his opinion the public interest require it.

SEC. —. Every executor, administrator and guardian shall, at least once in every six months, render to an auditor of accounts of the county in which his letters are granted, an oath to be administered by such auditor, a true, full and perfect account of the estate committed to him, which shall embrace all items of moneys received and paid out for principal and for interest, separately, on account of such estate, and at every such accounting, the sum total of debt and credit of all previous accounting shall be brought forward, showing in a condensed view the condition of such estate, which he shall report to the circuit court at its next term.

SEC. —. The executor, administrator or guardian shall give at least three weeks' notice of the time and place he will present his accounts for examination before such auditor of accounts, which notice shall be inserted in a public newspaper of general circulation, if any such be printed in the county, and if not, by written or printed notices posted up at not less than five public places in the county, one of which shall be at the door of the court house, and two of which shall be at places of public resort in the township in which the deceased, or other person whose estate he represents, had his last residence, if in such county.

SEC. —. Any person interested in such estate, either as widow, heir, legatee, devisee, creditor, or guardian of an infant heir, may attend at such examination, and may object to the allowing of any item or credit claimed by such executor, administrator or guardian, and may examine such executor, administrator or guardian on oath touching the same, which oath such auditor may administer; and if such widow, heir, creditor, legatee, devisee or guardian shall insist upon an objection to the allowance of any such account, or any item thereof, such auditor shall not allow the same, but shall report the same with the objection thereto to the circuit court at its next succeeding term, and such court shall investigate the same, and may, if deemed necessary, or if demanded by either party, inquire by jury into the justness of such account, item or items, and shall allow, or reject the same, as shall be just, and shall award costs accordingly.

SEC. —. If any executor, administrator, or guardian shall not faithfully and diligently discharge the trust committed to him, or shall waste the estate, or shall fail or refuse to render prompt accounts and settlements of the estate committed to his care, he shall be required by citation or attachment to appear before said court, when any person interested in such estate may appear and examine such executor, administrator, or guardian on oath, upon interroga-



ories, or may by way of petition or suggestion in writing, allege against such executor, administrator, or guardian, any neglect, omission, or violation of his duty as such; and if the same be sustained by proof, the court shall adjudge that he be removed from said trust; and the court may ascertain and assess the amount in the hands of such executor, administrator, or guardian, or sum justly due from him; which finding shall be conclusive, unless reversed on appeal or writ of error.

SEC. —. The citation or attachment against such executor, administrator, or guardian shall be served, and the interrogatories, petition, or suggestion in the last section mentioned shall be filed at least ten days before the term at which he shall be required to answer the same.

SEC. —. The court may proceed in any and all other cases provided by law, to remove executors, administrators, and guardians, and to require them to account concerning their trusts; and the provisions of the two last sections shall be taken and regarded as a cumulative remedy.

SEC. —. Every auditor of accounts shall report to the court at the next term thereof, upon the accounts passed before him, allowed or rejected, and the court shall, upon examination thereof, make such interlocutory or final order or decree in the premises as shall be just.

SEC. —. An auditor shall receive in full for his services the sum of two per cent. on all accounts of disbursements passed before him, pertaining to the estate of any decedent, infant, idiot, or lunatic, if the same do not exceed five hundred dollars, and one and a half per cent. on all sums between five hundred and fifteen hundred dollars, and one per cent. on all sums over fifteen hundred dollars: *Provided*, That no allowance shall be made upon amounts brought forward from previous accountings, but the whole sum allowed for such services upon any one estate shall not exceed fifty dollars, which sums shall be paid out of the estate, and the executor, administrator, or guardian shall be allowed for the same.

SEC. —. The appointment of an auditor shall continue for three years, if he shall so long behave well, but for any neglect, omission, of duty, or misconduct, he shall be removed from said trust by the circuit court, on complaint supported by oath or affirmation, setting forth the nature of the delinquency, a copy of which complaint shall be served upon him at least ten days before the term at which the motion for his removal is made.

SEC. —. Such auditor shall always be subject to the order of the court, and may be compelled by attachment or other summary process, to obey all the orders of such court lawfully made, pertaining to the duties and trusts committed to him.

SEC. —. The circuit court shall have power to issue and direct writs of mandamus, prohibition, quo warranto, habeas corpus, ne exeat, and all other writs and processes to courts of inferior jurisdiction, and to corporations and individuals, which shall be necessary to

the furtherance of justice and the regular execution of the laws; and to issue and direct all other writs and processes which may be necessary to carry their powers as such courts into effect, and the practice and usages of courts, not inconsistent with the constitution and laws of this State.

SEC. —. Where there shall be occasion for any writ or process for which no form is prescribed by law, the court shall frame a new writ in conformity with the principles of law, and the usage and practice of the State, which writ or process shall be tested and sealed as other writs of process.

SEC. —. The said courts shall have power to award and make all such judgments, sentences, decrees, orders, and injunctions, and to issue all such executions and other writs and processes, and to do all such other acts as may be necessary or proper to carry into full effect all such judgments, sentences, decrees, orders, and injunctions, in conformity with the constitution and laws of this State.

SEC. —. When any person is indicted or otherwise legally charged with any crime, offence, or misdemeanor in one county, and shall remove to or dwell in another county, said courts in term, or any judge thereof in vacation, may order a writ, warrant, or other proper process, to be issued by the clerk of the court having jurisdiction, to any sheriff or other proper officer of the county where the person thus indicted or charged may be, to have him arrested and brought before such court for trial.

SEC. —. Said courts, in their respective counties, shall have power to issue subpoenas and all other process to all the counties in the State, to summon or otherwise bring any person or persons before them to testify as witnesses in any cause, action, matter, or proceeding pending in such court, under such penalties as may be prescribed by law with respect to such process.

SEC. —. Said courts shall also have power and authority, whenever it may be necessary, to grant and empower commissions for the examination of witnesses according to the regulations of law.

SEC. —. Each circuit court hereby organized shall have a seal devised by the court, a description of which, signed by the judges devising the same, shall be filed by the clerk and recorded.

SEC. —. In all new counties where seals for the circuit courts thereof have not been devised, it shall be lawful for the clerks thereof to seal all writs, process, and matters where the seal of such court shall be required by law, with his own private seal, and the same shall have like force and effect as if it had been sealed with a seal devised by said court.

SEC. —. The said circuit courts respectively shall have full power and authority to administer all necessary oaths and affirmations, and punish by fine and imprisonment, or either, all contempts of their authority and process in any cause or matter before them, or by which the proceedings of the court or the due course of justice is interrupted.

SEC. —. The said courts shall from time to time adopt such rules as may be necessary for regulating the practice and conducting the business therein, and for simplifying, shortening, and expediting the pleadings, proceedings, and decision of causes, presenting distinctly and fully the points in issue on trials by jury; the diminishing of costs, and the remedying of all abuses and imperfections that may be found to exist in practice, which rules shall conform to the rules adopted by the supreme court, so far as they are applicable to the practice and proceedings in the circuit court.

SEC. —. Any judge of a circuit court shall be competent to preside in, or hold any circuit court within any county of this State, the judge of the circuit to which such county belongs being absent; and said judge so presiding in or holding such court, may continue the session thereof during any entire term, or during the progress of any trial or trials, or for any less time.

SEC. —. The respective circuit courts while in session, and the judges thereof within their respective circuits, shall have full power and authority, and it shall be their duty to act as conservators of the peace, and to take all necessary recognizances and obligations for good behavior to keep the peace, or to answer any offence or criminal charge in the court having jurisdiction thereof.

SEC. —. There shall be no discontinuance of any suit, process, matter, or proceeding whatever, returnable to or pending in any circuit court, although the judge shall fail to attend at the commencement, or any other day of the term.

SEC. —. If the judge shall not attend, the sheriff, or in his absence, the clerk of said court, may adjourn the same for two days successively, and if the judge shall not attend on the third day, or having attended one day shall fail to attend on a subsequent day of the term, the court shall stand adjourned until the court in course.

SEC. —. If a court shall not sit in any term, all suits and matters depending in said court shall stand continued until the next succeeding term.

SEC. —. If at the end of the term of any court, any suits or matters depending therein are undetermined, the same shall stand continued until the next succeeding term.

SEC. —. If at any term of a court there shall be no sheriff nor coroner to attend said court, or if the sheriff and coroner shall both be interested, or otherwise incapacitated from serving, such court shall have power to appoint an elisor to serve for such term or occasion, and in case of such necessity in vacation of the circuit court, the judge of such court may in like manner appoint an elisor.

SEC. —. Such elisor, when so appointed, shall take the like oath, and give like bond and surety as is required of sheriffs, and shall thereupon have the same power and authority to execute and perform all the duties of the sheriff, which shall relate to the service for which he may be thus specially appointed, and shall be governed by

the same rules and restrictions, and be subject to the like penalties and liabilities.

**SEC. —.** It shall be the duty of the clerk of the circuit court to draw up each day's proceedings at full length, and the same shall be publicly read in open court, and corrected when necessary; after which, they shall be signed by the judge, and no process or execution shall issue on any judgment or decree of the court until it has been so read and signed.

On motion by Mr. Gookins,

The further consideration of the bill and pending amendment were postponed until Thursday the 12th inst., and made the special order of that day at 10 o'clock, A. M.

Mr. Suit chairman of the committee on engrossed bills made the following report:

**MR. SPEAKER:**

The committee on engrossed bills have examined Joint resolution of the House No. 20, and House bill Nos. 93 and 135, and find them correctly engrossed.

Mr. Cockrum from the committee on engrossed bills made the following report:

**MR. SPEAKER:**

The committee on engrossed bills have examined Joint resolution of the House No. 17, and bill No. 129, and find them correctly engrossed.

#### HOUSE BILLS ON THIRD READING.

**No. 93.** A bill to regulate the sale of the Swamp lands donated by the United States, to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant.

Was read a third time.

Mr. Holladay of Parke moved to commit the bill to a select committee, with the following instructions.

Amend Sec. 4, as follows:

After the word "county" in the second line, strike out the word "to" and insert "and has receive in his office from the commissioner or engineer, a specification of the kind of ditches or levees required

to reclaim the lands in said county, together with the estimated cost of the same, which shall be subject to inspection by any person desiring to purchase said lands, then he shall."

And further to provide, that after that said land shall have been offered and not sold for a sufficient sum to let the contracts, it shall be lawful to let the same to any person who may be willing to receive in payment or part payment, the lands at the price for which the same may be purchased for cash. Provided, said contract shall not be let at a higher price than the estimate filed in the Auditor's office.

Mr. Stuart called the previous question which was ordered.

The question being, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Beach, Behm, Brady, Buskirk, Cowgill, Crawford, Doughty, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Hays of White, Hicks, Holliday of Blackford, Holman, Hudson, Huey, Hunt, Lawrence, Leviston, Lewis, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Nelson, Porter, Ray, Reynolds, Shanklin, Smith of Marion, Stanfield, Stevens, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Wells, and Williams—47.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Bryant, Bulla, Carpenter, Chowning, Cockrum, Davis, Dice, Dobson, Donham, Douthit, English, Gookins, Gunn, Hanna, Hart, Helmer, Henry, Holladay of Parke, Hostetter, Huffstetter, Humphreys, Lavery, McDowell, Morris, Mudget, Schoonover, Staton, Stuart, Torbet, Walker, Watson, Wilson, Withers, and Mr. Speaker—36.

So the bill did not pass.

No. 135. A bill authorizing county auditors, and their deputies, to take acknowledgments of deeds, and administer oaths in certain cases;

Was read a third time.

The question being put, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Crawford, Cromwell, Dice, Dobson, Donham,

Doughty, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lewis, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—77.

Mr. Douthit voted in the negative.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 20. A joint resolution in relation to the election of United States Senators by the people of the State;

Was read a third time.

Mr. McDowell moved to lay the joint resolution on the table.

Which motion did not prevail.

The question being, Shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Crawford, Cromwell, Davis, Dobson, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hays of White, Henry, Hicks, Holliday of Blackford, Hudson, Huey, Huffstetter, Humphreys, Lavery, Lawrence, Leviston, Lewis, Litchfield, Major, Manson, McAllister, McConnell, McDonald, Morris, Mudget, Nelson, Ray, Reynolds, Smith of Marion, Stanfield, Staton, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, and Mr. Speaker—60.

*Those who voted in the negative were,*

Messrs. Barker, Donaldson, Doughty, Hart, Helmer, Holladay of Parke, Holman, Hostetter, Hunt, Gookins, Mayfield, McDowell, Schoonover, Shanklin, Torbet, Williams, Wilson and Withers—17.

So the joint resolution passed.

Ordered, That the clerk inform the Senate thereof.

Mr. McDonald moved to reconsider the vote taken on the passage of the joint resolution No. 20.

Which motion did not prevail.

No. 48. A bill to provide for the sale of county Seminaries, and the property belonging thereto, and to transfer the proceeds thereof to the common school fund.

The question being, Shall the bill pass?

Mr. Reynolds moved to recommit the bill to the Judiciary committee, with the following instructions:

Add the following section:

SEC. —. Such sums as have been advanced by any individual or individuals for building, repairing or furnishing of such county seminaries, or for the purchase of the land upon which they have been built, shall be repaid to such individual or individuals as have advanced the same, or to their legal representatives out of the proceeds of such sales, proof thereof being made to the satisfaction of the board of county commissioners, who shall direct the county auditor to draw his warrant upon the treasury for the amount of such advance or advances.

Mr. Hudson offered the following amendment to the instructions:

In section 13, line 3, after the word "built," strike out the words "relying upon the fund of such seminaries for reimbursement."

Which was not adopted.

Mr. McDonald offered the following amendment to the instructions:

Amend the instructions further, by providing that the amount advanced by the State shall first be paid out of the proceeds of the sale.

The question being put on the adoption of the amendment of Mr. McDonald to the instructions of Mr. Reynolds,

The ayes and noes were demanded by Messrs. McDonald and Reynolds.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Gibson, Gookins, Graham, Gunn, Hanna, Hart, Helmer, Henry, Hicks, Holliday of Blackford, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Lewis, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Ma-

rion, Stanfield, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Williams, Withers and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Foster, Holladay of Parke, Holman, Hostetter, Stuart, and Wilson—6.

So the amendment to the instructions were adopted.

Mr. Buskirk offered the following amendment to the instructions of Mr. Reynolds:

Amend as follows:

No interest shall be allowed upon advances made.

Which was adopted.

The question was then put on recommitting the bill with the instructions to the Judiciary committee;

And decided in the negative.

The question then being put, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Bryant, Bulla, Buskirk, Chowning, Cowgill, Crawford, Davis, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hanna, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Leviston, Lewis, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Porter, Ray, Reynolds, Schoonover, Shanklin, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—74.

*Those who voted in the negative were,*

Messrs. Cockrum, Dobson, Gunn, Hudson, Smith of Marion, Stanfield and Stuart—7.

So the bill passed.

Mr. Stuart moved to amend the title of the bill as follows:



"A bill to sequester private property for the use of common schools."

Which motion did not prevail.

Ordered that the Clerk inform the Senate thereof.

On motion by Mr. Buskirk,  
The House adjourned.

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WEDNESDAY MORNING, {  
February 11, 1852. }

The House met.

The Journal of the preceding day was read.

#### PETITIONS PRESENTED.

By Mr. Cockrum:

Two memorials from sundry ladies and gentlemen of Gibson county, on the subject of temperance;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Stanfield:

The petition of Samuel C. Sample and 528 others, of St. Joseph county, Indiana, on the subject of temperance;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Donaldson:

The petition of George W. Goodrich, relative to fees and salaries;

Which,

On motion,

Was referred to the committee on Fees and Salaries.

Mr. Donaldson moved to reconsider the vote on the adoption of the resolution authorizing the committee on the State Prison to visit the same at the expense of the State;

Which was agreed to.

The question then being on the adoption of the resolution,  
 Mr. Donaldson moved to indefinitely postpone the same;  
 And the question being put,  
 The ayes and noes were demanded by Messrs. Donaldson and Gibson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Brady, Bulla, Chowning, Cromwell, Dobson, Donaldson, Doughty, Eccles, English, Foster, Helmer, Henry, Holliday of Blackford, Holman, Huey, Huffstetter, Humphreys, Lawrence, Leviston, Lewis, Major, Manson, McAllister, McDonald, Miller, Morris, Nelson, Schoonover, Shanklin, Smith of Spencer, Staton, Struble, Taggart, Thompson, Torbet, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—43.

*Those who voted in the negative were,*

Messrs. Beach, Beeson, Behm, Bryant, Carpenter, Cockrum, Cowgill, Davis, Dice, Donham, Douthit, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hays of White, Hicks, Holladay of Parke, Hostetter, Hunt, Kent, Laverty, Litchfield, Mayfield, McConnell, McDowell, Porter, Ray, Reynolds, Smith of Marion, Stanfield, Stevens, Stover, Suit, Sumner, Sweet, and Walker—40.

So the resolution was indefinitely postponed.

#### REPORTS FROM COMMITTEES.

Mr. Bulla, from the committee on Elections, made the following report:

**MR. SPEAKER :**

The committee on Elections, to whom was referred chapter 5th of the Revised Statutes of 1843, have had that subject under consideration and authorized me to report the following bill and recommend its passage :

No. 141. A bill for the election of justices of the peace, and to supply vacancies therein ;

Which was read a first time, and passed to a second reading.

The Speaker laid before the House the following communication and report from the Auditor of State :

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, February 10, 1852. }

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives:*

SIR:—I have received the following resolution of the House, and in answer thereto submit the accompanying statement, to-wit:

*Resolved*, That the Auditor of State be requested to inform this House the amount of money paid out for the selection of swamp lands, the names of persons to whom paid, for what county the same was paid, and the amount of services as charged by said persons.

*Statement of Moneys paid for selection of Swamp Lands.*

<i>Names.</i>	<i>Counties.</i>	<i>Nature of Services.</i>	<i>Amount.</i>
Surveyor of Monroe county.....	Monroe.....	For selections.....	48 50
C. D Hathaway .....	Pulaski.....	....same .....	492 50
....same.....	....same.....	For assistants.....	348 00
James Boyles.....	Starke.....	Self and assistants.....	713 00
T. Armfield .....	Madison.....	....same .....	165 00
Treasurer of Tipton county .....	Tipton.....	Sundry claims.....	172 00
Elam Clark.....	Laporte.....	Self and assistants.....	199 00
Treasurer of Jasper county.....	Jasper.....	Sundry claims.....	997 89
Treasurer of Howard county.....	Howard.....	....same .....	92 00
Treasurer of Martin county.....	Martin.....	....same .....	116 17
Treasurer of Jackson county.....	Jackson.....	....same .....	178 00
G. S. Shanklin .....	Fountain.....	Self and assistants.....	13 65
John W. Blake.....	Clinton.....	....same .....	59 30
E. A. Webster.....	La Grange.....	....same .....	167 00
Thos. C. Sweeney.....	Porter.....	....same .....	402 00
Wm. H. Nelson.....	Tipton.....	Assistant surveyor.....	108 00
Joshua Mooney .....	Tipton.....	....same .....	37 50
John Criswell.....	Hamilton.....	....same .....	9 50
A. T. Frink.....	Noble.....	Self and assistants.....	190 00
Surveyor of Grant county.....	Grant.....	....same .....	78 95
T. Pattison .....	Ripley.....	....same .....	65 00
Wm. Culver .....	Fulton.....	....same .....	160 00
Surveyor of Jasper county.....	Jasper.....	....same .....	80 34
Wm. Palmer.....	Kosciusko.....	....same .....	171 25
Treasurer of Warrick county.....	Warrick.....	Sundry claims.....	92 50
Surveyor of Lake county.....	Lake.....	Self and assistants.....	585 50
Treasurer of Tipton county.....	Tipton.....	Sundry claims.....	59 25
James R. McCord.....	Elkhart.....	Self and assistants.....	221 35
Wm. H. Montgomery.....	Jay.....	....same .....	138 00
Sam'l S. Crowe.....	Scott.....	....same .....	68 00
James Mullikin.....	Boone.....	....same .....	128 00
Hiram T. Craig.....	Morgan.....	....same .....	85 70
Total .....			\$6,442 75

Under the act approved February 14, 1851, all accounts for selecting the swamp lands were passed upon and allowed by the Board of Commissioners, and no accounts showing the particular

services rendered were filed in this office. The payment was to be made in the first place from the county treasury, if in funds, and it is probable that quite an amount has yet to come in for payment.

Respectfully,

E. W. H. ELLIS,  
*Auditor of State.*

On motion by Mr. McDonald,

The report was laid on the table and ordered to be printed.

Mr. McDonald moved to reconsider the vote by which the House indefinitely postponed the resolution authorizing the standing committee on the State Prison to visit and inspect the same at the expense of the State.

And the question being put,

The ayes and noes were demanded by Messrs. McDonald and Gibson.

*Those who voted in the affirmative were,*

Messrs. Beeson, Behm, Cockrum, Cowgill, Cromwell, Davis, Donham, Doughty, Douthit, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hays of White, Hicks, Holladay of Parke, Hostetter, Hudson, Hunt, Kent, King, Laverty, Mayfield, McConnell, McDonald, McDowell, Miller, Mudgett, Ray, Reynolds, Smith of Marion, Stanfield, Stevens, Stuart, Sumner, Sweet and Walker—40.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Dice, Dobson, Donaldson, Eccles, English, Foster, Hart, Helmer, Henry, Holliday of Blackford, Holman, Huey, Huffstetter, Humphreys, Lawrence, Leviston, Lewis, Litchfield, Major, Manson, McAllister, Morris, Nelson, Porter, Schoonover, Shanklin, Staton, Stover, Struble, Taggart, Thompson, Torbet, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—47.

So the vote was not reconsidered.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means, to whom was referred House bill No. 119, a bill providing for the sale of the saline lands in Orange county, have had the same under consideration, and have directed me to submit the following report.

Your committee would represent that by virtue of an act of Congress, approved July 3d, 1832, the State of Indiana is prohibited from selling the said lands for a less sum than one dollar and twenty-five cents per acre; that the said bill provides for the sale of said lands at fifty cents per acre, which is in violation of the act of Congress above referred to.

Your committee therefore recommend that said bill be laid upon the table; and that said committee be discharged from the further consideration of said subject.

Which report was concurred in.

Mr. Holman, chairman of the committee on the Judiciary, reported back No. 108, a bill regarding the administration of estates of the value of five hundred dollars, for the consideration of the House.

On motion by Mr. Holman,

The bill was laid on the table.

Mr. Lewis, chairman of the committee on Benevolent and Scientific Institutions, made the following report:

**MR. SPEAKER:**

The committee on Benevolent and Scientific Institutions have directed me to report bill No. 80, a bill for the relief of the poor, back to the House, recommending the adoption of the amendments made by the Judiciary committee, to-wit, as follows: striking out sections first, second and third, and inserting the following:

**SEC. 1.** The township trustees of the several civil townships of this State, shall be the overseers of the poor within their respective townships, and shall perform all the duties with reference to the poor of their respective townships that may be prescribed by law.

**SEC. 2.** Every board of trustees, and the members thereof shall, in discharging the duties prescribed in this act, be designated overseers of the poor.

**SEC. 3.** In all suits and proceedings in favor of or against any such board of trustees connected with or pertaining to the poor of the respective townships, the same shall be conducted or carried on in favor of or against such township in its corporate name.

The report was concurred in, the amendments adopted, and the bill was ordered to be engrossed.

Mr. Cromwell, from a select committee, reported

**No. 142.** A bill to authorize the relocation of the seat of justice of the county of Clay, and to suspend the erection of a court house for said county, and to authorize the receiving of subscriptions and donations for the erection of the public buildings in said county;

Which was read a first time and passed to a second reading.

## RESOLUTIONS OF THE HOUSE.

On motion by Mr. Walker,

*Resolved*, That the Judiciary committee be instructed to report, among the miscellaneous provisions relating to corporations, a section to this effect:

When the number of stockholders in any company heretofore incorporated, or hereafter to be organized, shall be less than the number of directors required in the charter of said companies, or articles of association, the number of directors shall be reduced to the number of stockholders; and such reduced number of directors shall exercise all the powers and authority of the original number,—and no person shall be a director in any corporate body who is not also a stockholder therein.

Mr. Goudy offered the following resolution:

*Resolved*, That hereafter leave of absence will not be granted, except when the member is himself sick.

Mr. Lewis moved to amend the resolution by adding, at the proper place, "or his family."

And the question being put;

The ayes and noes were demanded by Messrs. Gibson and Goudy.

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Brady, Buskirk, Chowning, Cockrun, Cowgill, Davis, Dice, Dobson, Donham, Doughty, Douthit, Eccles, English, Foster, Gibson, Goudy, Graham, Gunn, Hart, Hays of White, Henry, Hicks, Holliday of Blackford, Huey, Lawrence, Lewis, Litchfield, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Staton, Struble, Suit, Sumner, Sweet, Thompson, Walker, Williams, Wilson, Withers and Mr. Speaker—50.

*Those who voted in the negative were,*

Messrs. Beeson, Behm, Bryant, Bulla, Carpenter, Geddes, Gookins, Hanna, Helmer, Holladay of Parke, Holman, Hudson. Huffstetter, Hunt, Kent, King, Laverty, Leviston, Major, Mayfield, McAllister, McDonald, Porter, Schoonover, Stanfield, Stevens, Stuart, Taggart, Torbet, Watson, and Wells—31.

So the amendment was adopted.

The resolution, as amended, was agreed to.

Mr. Sumner offered the following resolution:

*Resolved*, That the committee on Temperance be, and are hereby instructed to report a bill containing a provision that any ministerial or judicial officer, who is known to be in the habit of drinking strong and intoxicating liquors to excess, while in the discharge of the duties of his office, it shall be considered a misdemeanor, and subject him to impeachment and removal,—which provision shall apply to members of the Legislature.

On motion by Mr. English,  
The resolution was amended by making it one of inquiry.  
The resolution, as amended, was adopted.

Mr. Stevens offered the following resolution:

*Resolved*, That the committee on Ways and Means be instructed to report a bill exempting from taxation all stocks in Railroad Companies, until the road in which the stock is taken be completed, or a sufficient part thereof to yield a dividend on the stock subscribed.

On motion by Mr. Brady,  
The resolution was amended by making it one of inquiry.  
The resolution as amended was then agreed to.  
Mr. Mudget offered the following resolution:

*Resolved*, That it is expedient to adjourn on the first of March to meet again on the 15th of May next.

On motion by Mr. Gookins,  
The resolution was amended by adding the "Senate concurring."

Mr. Stuart moved to amend the resolution by striking out the "15th" and inserting the "20th" of May.

Mr. Douthit moved to lay the resolution and pending amendment on the table.

And the question being put,  
The ayes and noes were demanded by Messrs. Gibson and Douthit.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Brady, Bryant, Buskirk, Cockrum, Dice, Dobson, Donham, Douthit, Eccles, Foster, Gibson, Goudy, Graham, Gunn, Hanna, Hays of White, Holladay of Parke, Holliday of Blackford, Hudson, Huey, Huffstetter, Hunt, Kent, Laverty,

Lawrence, Lewis, Litchfield, Major, Manson, McAllister, McDowell, Miller, Morris, Porter, Ray, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Walker, Watson, Wells, Williams, Wilson, Withers, and Mr. Speaker—57.

*Those who voted in the negative were,*

Messrs. Beeson, Behm, Bulla, Carpenter, Chowning, Cowgill, Cromwell, Donaldson, Doughty, English, Geddes, Gookins, Hart, Helmer, Henry, Hicks, Holman, Hostetter, King, Leviston, Mayfield, McDonald, Mudget, Nelson, Stanfield, Stevens, Suit, Thompson, and Torbet—29.

So the resolution and pending amendment were laid on the table. Mr. Beane offered the following resolution:

*Resolved*, That no member of this House shall speak longer than ten minutes at any time on any subject that may come before it, and not more than twice on any subject.

Which was not agreed to.

Mr. Douthit offered the following resolution:

*Resolved*, That any member of the House, absenting himself from the sittings of the House, without first having obtained leave of absence, shall forfeit his per diem during such absence.

On motion by Mr. Behm,  
The resolution was laid on the table.

#### JOINT RESOLUTIONS.

By Mr. Torbet:

No. 25. A joint resolution in reference to amending the Constitution of the United States;

Which was read a first time.

Mr. Suit moved to reject the joint resolution.

Mr. Stuart moved that when this House adjourns, it adjourn to meet on to-morrow morning at 9 o'clock.

Which motion prevailed.

The question then being on rejecting joint resolution No. 25,

Mr. Withers called the previous question;

Which was ordered.



The main question being put, viz: Shall the joint resolution be rejected?

The ayes and noes were demanded by Messrs. Suit and Gibson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cromwell, Davis, Dice, Dobson, Donham, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Hanna, Hays of White, Henry, Hicks, Holliday of Blackford, Hudson, Huey, Humphreys, Kent, King, Laverty, Lawrence, Leviston, Lewis, Litchfield, Major, Mayfield, McAllister, McConnell, McDonald, Miller, Mudgett, Ray, Reynolds, Staton, Stevens, Struble, Stuart, Suit, Sweet, Thompson, Walker, Watson, and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Crawford, Donaldson, Doughty, Gookins, Hart, Helmer, Holladay of Parke, Holman, Hostetter, Hunt, McDowell, Morris, Nelson, Porter, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stover, Sumner, Taggart, Torbet, Wells, Williams, Wilson, and Withers—26.

So the joint resolution was rejected.

On motion by Mr. Barker,

Leave of absence was granted Mr. Ray on account of sickness in his family.

Mr. King moved the House adjourn.

Which motion did not prevail.

By unanimous consent of the House,

Mr. Smith of Marion, obtained leave and introduced

No. 143. A bill to provide for the punishment of offences against the right of suffrage;

Which was read a first time, and passed to a second reading.

By unanimous consent of the House,

Mr. Lewis obtained leave and introduced

No. 144. A bill relative to the proving and recording of deeds of conveyance of real estate;

Which was read a first time and passed to a second reading.

On motion by Mr. McDonald,

Mr. Williams obtained leave of absence on account of the sickness of his partner.

On motion by Mr. Goudy,

The House adjourned.

THURSDAY MORNING, 9 o'clock, }  
February 12, 1852. }

The House met.

The journal of the preceding day was read.

#### REPORTS FROM COMMITTEES.

Mr. Dobson, from the committee on the Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The committee on the Organization of Courts, to whom was re-committed House bill No. 70, entitled "A bill to establish courts of common pleas," have had the same under consideration, and have instructed me to report it back to the House with the following amendments:

1st. Insert at the end of the 7th line, in the 3d section, as follows, viz: "The counties of Monroe and Brown shall form a district for the same purpose."

2d. Strike out the additional section which was inserted by amendment in the House, between the 25th and 26th sections of the bill.

3d. Strike out sections 38 and 39, which relate to the per diem pay of the judges, and insert in lieu thereof the sections following, viz.:

SEC. 38. The salaries of the judges of common pleas shall be graduated as follows, viz.:

In districts in which the population is under 5,000, the annual salary of the judge shall be three hundred dollars.

In the districts in which the population is over 5,000 and under 8,000, the salary shall be four hundred dollars.

In districts in which the population is over 8,000 and under 13,000, the salary shall be five hundred dollars.

In districts in which the population is over 13,000 and under 18,000, the salary shall be six hundred dollars.

And in all districts where the population is over 18,000, the salary shall be eight hundred dollars.

SEC. 39. The last census or enumeration made by the United States or this State, from time to time, shall be taken as the basis of population by which to graduate the salaries as aforesaid; said salary shall be payable quarterly out of the county treasury; and when

two or more counties form a district, each county shall pay its proportion on the basis of population aforesaid.

Your committee are of the opinion that in most counties, the fund derived from the docket fees provided for in the 36th section, will in a great measure meet the expenses of the courts in the way of salaries to the judges.

The salary of the judges of common pleas in an average county is five hundred dollars, and from the best information the committee can obtain as to the amount of business which will necessarily flow into that court, they have but little doubt that the fund arising from docket fees will in such counties come up to or even overrun that sum. Thus they propose to support the common pleas on the principle of making those pay the judicial salary whose default in civil and criminal matters make the resort to such court a matter of necessity. They therefore respectfully ask the concurrence of the House in the proposed amendments, that the bill may meet the wishes of its friends, and that when so amended, that the House make such disposition of the bill as may be thought proper.

On motion by Mr. Holman,

The bill and amendments were laid on the table until 10 o'clock to-day.

Mr. Gookins, from the committee on the Organization of Courts of Justice, made the following report:

**MR. SPEAKER:**

The committee on the Organization of Courts, to whom was referred House bill No. 128, entitled, "a bill to establish courts of common pleas, defining the jurisdiction of the judges, the duties of the judges and officers thereof, and providing for their compensation," have directed me to report the same back to the House without amendment, for such action as they shall be advised thereon.

On motion by Mr. Gookins,

The bill was laid on the table until 10 o'clock to-day.

Mr. Holliday of Parke, from the committee on the Organization of Courts of Justice, made the following report:

**MR. SPEAKER:**

The committee on the Organization of Courts of Justice, to whom was referred House bill No. 111, defining the jurisdiction and regulating the practice of probate courts, have had the same under consideration, and have directed me to report the same back, subject to such action as the House may take upon it.

On motion,

The bill contained in the foregoing report, was laid on the table until 10 o'clock to-day.

Mr. Henry, from the committee on the Organization of Courts of Justice, made the following report:

**MR. SPEAKER:**

The committee on the Organization of Courts of Justice, to whom was referred House bill No. 133, providing for the establishment of a system of circuit probate courts, have had the same under consideration, and have directed me to report it back to the House and respectfully recommend that it be laid upon the table.

Which report was concurred in.

Mr. Kent from a select committee made the following report:

**MR. SPEAKER:**

The select committee to whom was referred resolution of the House charged with the duty of districting the State in supreme and circuit districts, report the following bill, and recommed its passage:

No. 145. A bill to provide for the election of judges of the supreme court.

Which was read a first time, and passed to a second reading.

Mr. Graham in pursuance to previous notice, obtained leave and introduced,

No. 146. A bill to attach a part of the county of Gibson, to the county of Pike.

Which was read a first time.

Mr. Cockrum moved to reject the bill.

Which motion did not prevail.

The bill then passed to a second reading.

#### ORDERS OF THE DAY.

#### *House Bills on Second Reading.*

No. 141. A bill for the election of justices of the peace, and to supply vacancies therein.

Was read a second time.

On motion by Mr. Stuart,

The bill was referred to the committee on the Organization of Courts of Justice.

No. 142. A bill to authorize the relocation of the seat of justice of the county of Clay, and to suspend the erection of a court house for said county, and to authorize the receiving of subscriptions and donations for the erection of the public buildings in said county.

Was read a second time, and ordered to be engrossed.

On motion by Mr. Lawrence,  
House bill,

No. 79. A bill authorizing the construction of plank, McAd-amized and gravel roads.

Was placed on the files of the House.

#### HOUSE BILLS' ON THIRD READING.

No. 102. A bill regulating the licensing of pilots at the Falls of the Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilot and providing for the compensation of such pilots and the revocation of their license.

Was read a third time.

Mr. Holman moved to recommit the bill to the Judiciary committee, with instructions to strike out the provisions of the bill appropriating the fines to the common school fund of Gibson county, and make it apply to the common school fund of the State;

Pending which,

On motion by Mr. Kent,  
The bill was laid on the table.

No. 136. A bill declaratory of the law regulating marriages, and enforcing the same by proper penalties.

Was read a third time.

Mr. Lewis moved to recommit the bill to the Judiciary committee with the following instructions:

Amend Section 1st by males 20, females 16.

SEC. 2. Strike out  $\frac{1}{2}$  and insert no negro blood.

Which was disagreed to.

Mr. Behm moved to recommit the bill to the Judiciary committee with instructions to strike out \$20 and insert \$5.

Which motion did not prevail.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Brady, Bryant, Bulla, Buskirk, Carpenter, Cowgill, Cromwell, Dice, Donaldson, Doughty, Douthit, Eccles, Geddes, Gookins, Graham, Gunn, Hays of White, Helmer, Holliday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Hunt, Leviston, Litchfield, McAllister, McConnell, Morris, Mudget, Reynolds, Shanklin, Stanfield, Staton, Stevens, Struble, Suit, Sumner, Taggart, Thompson, Walker, Watson and Wilson—45.

*Those who voted in the negative were,*

Messrs. Barker, Behm, Chowning, Cockrum, Crawford, Davis, Dobson, Donham, English, Goudy, Hanna, Hart, Henry, Hicks, Holaday of Parke, Holman, Humphreys, Kent, Lavery, Lewis, Major, Manson, Mayfield, McDonald, McDowell, Miller, Nelson, Porter, Schoonover, Smith of Marion, Smith of Spencer, Stover, Stuart, Torbet, Wells, Withers, and Mr. Speaker—37.

So the bill did not pass.

The hour having arrived, the House proceeded to the special order of the day, sundry bills on the subject of the organization of Courts of Justice, viz:

The House proceeded to the consideration of the bills, made the special order for this hour separately.

No. 128. A bill to establish courts of Common Pleas, defining the jurisdiction of the Judges, the duties of the Judges, and other officers thereof, and providing for their compensation.

The question being put on the engrossment of the bill.

It was decided in the negative.

No. 123. A bill to establish circuit courts, and define the powers and duties of the Judges and officers of such courts.

The question pending being on the adoption of the amendment to the bill offered by Mr. Gookins.

After some debate,

The amendment was withdrawn by the mover.

Mr. Holman submitted the following amendment to the original bill.

Amend by inserting the following sections:

**SEC. —.** The circuit court shall have original jurisdiction in all matters relating to probate of last wills and testaments; the granting of letters testamentary, of administration, and of guardianship; of all matters relating to the settlement and distribution of decedent's estates, and the estates of minors, idiots, and lunatics, and the examination and allowance of the accounts of executors, administrators, and guardians.

**SEC. —.** When the subject matter of any suit or proceeding of which the circuit court may have jurisdiction, shall be situated in two or more counties, the court which shall first take cognizance thereof by the commencement of proceedings, shall retain the same throughout.

**SEC. —.** Writs of citation, attachment, and distringas shall be issued upon the order of the court, and may be made returnable to the same or to a succeeding term.

**SEC. —.** The clerk of the circuit court shall keep a docket of all causes pending in said court, in which the causes shall be docketed in the following order:

*First.* All decedents' estates of minors, idiots, and lunatics pending and unsettled in said court, and all causes relating to the probate of wills and to the granting of letters testamentary, or of administration, or guardianship.

*Second.* The criminal docket.

*Third.* The civil docket; which matters and causes shall be docketed in the order in which they are brought in said court.

On motion by Mr. King,  
The House adjourned to meet at 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

On motion by Mr. Stover,  
A call of the House was ordered.

The Clerk proceeded to the call, when the following members answered to their names:

Messrs. Barker, Beach, Beane, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Davis, Dobson, Donaldson, Donham, Douthit, Eccles, Foster, Geddes, Gookins, Goudy,

Graham, Hanna, Hart, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Humphreys, King, Laverty, Lawrence, Leviston, Lewis, Litchfield, Mayfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Withers, and Mr. Speaker—68.

On motion by Mr. Stanfield,  
The further call of the House was suspended.

The consideration of House bill No. 123, the special order, was resumed.

The question being put on the adoption of the amendment of Mr. Holman:

The ayes and noes were demanded by Messrs. Brady and Gibson.

*Those who voted in the affirmative were,*

Messrs. Behm, Bryant, Bulla, Chowning, Crawford, Donham, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hart, Hays of White, Helmer, Hicks, Holladay of Parke, Hostetter, Huey, Humphreys, Laverty, Lawrence, Lewis, Major, McDonald, McDowell, Nelson, Porter, Reynolds, Shanklin, Smith of Marion, Struble, Taggart, Torbet, and Withers—35.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Brady, Buskirk, Carpenter, Cockrum, Cowgill, Davis, Dice, Dobson, Donaldson, Douthit, Eccles, English, Gunn, Hanna, Henry, Holliday of Blackford, Hudson, Huffstetter, Hunt, Kent, King, Leviston, Litchfield, Manson, Mayfield, McAllister, McConnell, Miller, Morris, Mudget, Schoonover, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Thompson, Walker, Watson, Wells, Wilson, and Mr. Speaker—49.

So the amendment was not agreed to.

Mr. Hudson submitted the following amendment to the original bill:

Add the following sections:

SEC. —. Such court shall have original jurisdiction in all matters relating to the probate of last wills and testaments, the granting of letters testamentary, of administration, and of guardianship, of all matters relating to the settlement and distribution of decedents'



estates, and the estates of minors, idiots, and lunatics, and the examination and allowance of the accounts of executors, administrators and guardians; And it shall be the duty of said judge to hold two separate terms in each county in succession, the first week of such terms to be devoted exclusively to probate business, and shall be called the probate court of, &c., and the remainder of said terms shall be given to the consideration of common law cases, &c.

**SEC. —.** When the subject matter of any suit or proceeding of which the circuit court may have jurisdiction, shall be situated in two or more counties, the court which shall first take cognizance thereof by the commencement of proceedings shall retain the same throughout.

**SEC. —.** Writs of citation, attachment and distringas, shall be issued upon the order of the court, and may be made returnable to the same, or to a succeeding term.

**SEC. —.** The clerk of the circuit court shall keep a docket of all causes pending in said court, in which the causes shall be docketed in the following order:

*First.* All decedents' estates and estates of minors, idiots, and lunatics pending and unsettled in said court, and all causes relating to the probate of wills, and to the granting of wills, and to the granting of letters testamentary, or of administration, or of guardianship.

*Second.* The criminal docket.

*Third.* The civil docket, which matters and causes shall be docketed in the order in which they are brought in said court.

Mr. King moved to lay the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Hudson and King.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Cowgill, Davis, Dice, Dobson, Donaldson, Douthit, Eccles, English, Gibson, Graham, Gunn, Hanna, Henry, Holliday of Blackford, Huffstetter, Humphreys, Hunt, Kent, King, Lewis, Manson, McAllister, McConnell, Miller, Morris, Mudget, Shanklin, Stanfield, Staton, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—50.

*Those who voted in the negative were,*

Messrs. Chowning, Cockrum, Crawford, Cromwell, Donham, Foster, Geddes, Gookins, Goudy, Hart, Hays of White, Helmer, Hicks, Holladay of Parke, Hostetter, Hudson, Huey, Lavery, Lawrence, Leviston, Litchfield, Major, Mayfield, McDonald, McDowell, Nelson,

Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Struble, Taggart, Thompson, and Torbet—34.

So the amendment was laid on the table.

Mr. Douthit submitted the following amendment to the bill:

Second page, — section, 40th line. Strike out the words “county treasury,” and insert “salary of said circuit judge.”

On motion by Mr. Behm,

The amendment was laid on the table.

Mr. Stanfield moved to lay the bill on the table;

Which motion did not prevail.

Mr. Gibson moved to fill the blank by adding “10” as the number of circuits.

Mr. Suit suggested “13.”

Mr. Stuart suggested “15.”

And the question being put on filling the blank with “15,”

The ayes and noes were demanded by Messrs. Hart and Cowgill.

*Those who voted in the affirmative were,*

Messrs. Beach, Bryant, Chowning, Cowgill, Crawford, Cromwell, Davis, Geddes, Gookins, Graham, Gunn, Hays of White, Hostetter, Hudson, King, McDowell, Porter, Reynolds, Stuart, Suit, and Thompson—21.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Behm, Brady, Bulla, Buskirk, Carpenter, Cockrum, Dice, Dobson, Donaldson, Douthit, Eccles, English, Foster, Gibson, Goudy, Hanna, Hart, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Lawrence, Leviston, Lewis, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Mudget, Nelson, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Wilson Withers and Mr. Speaker—63.

So the blank was not so filled.

Mr. Foster suggested “14;”

And the question being put,

It was decided in the negative.

The question being put on Mr. Suit's proposition to fill the blank with “13,”

The ayes and noes were demanded by Messrs. Behm and Suit.

*Those who voted in the affirmative were,*

Messrs. Beane, Behm, Bryant, Carpenter, Cowgill, Crawford, Cromwell, Davis, Donham, Foster, Gookins, Goudy, Henry, Hudson, Huey, King, Litchfield, McDowell, Morris, Nelson, Porter, Reynolds, Shanklin, Smith of Marion, Stevens, Stuart, Suit, Sumner, Thompson, Watson, and Wilson—31.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Brady, Bulla, Buskirk, Chowning, Cockrum, Dice, Dobson, Donaldson, Douthit, Eccles, English, Geddes, Gibson, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Leviston, Lewis, Major, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Mudget, Schoonover, Smith of Spencer, Stanfield, Staton, Stover, Struble, Sweet, Taggart, Torbet, Walker, Wells, Withers, and Mr. Speaker—55.

So the blank was not so filled.

Mr. McDowell moved to fill the blank with "12."

Which motion did not prevail.

Mr. Donaldson moved to fill the blank with "11."

Which motion did not prevail.

The question then being put on filling the blank with "10," as proposed by Mr. Gibson,

The ayes and noes were demanded by Messrs. Taggart and King.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Brady, Bulla, Buskirk, Chowning, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, English, Gibson, Goudy, Graham, Hanna, Hays of White, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Leviston, Lewis, Major, Manson, Mayfield, McAllister, McConnell, Miller, Morris, Mudget, Reynolds, Schoonover, Smith of Marion, Stanfield, Staton, Stover, Struble, Sweet, Taggart, Torbet, Walker, Wells, and Mr. Speaker—52.

*Those who voted in the negative were,*

Messrs. Behm, Bryant, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Davis, Foster, Geddes, Gookins, Gunn, Hart, Henry, Hostetter, Hudson, Huey, King, Litchfield, McDonald, McDowell, Nelson, Porter, Shanklin, Smith of Spencer, Stevens, Stuart, Suit, Sumner, Thompson, Watson, Wilson, and Withers—33.

So the blank was so filled.

On motion by Mr. Brady,

The bill was referred to the committee on districting the State into judicial circuits.

No. 70. A bill to establish courts of common pleas, and defining the jurisdiction and duties of the judges thereof.

The question pending being on concurring in the amendments reported by the committee on the Organization of Courts of Justice, this morning,

Mr. King submitted the following amendment:

That in counties over 22,000 inhabitants, if the docket fees paid into the county treasury exceed \$800, the judge of common pleas shall be entitled to a salary of one thousand dollars.

Which was not agreed to.

The question then recurred on concurring in the amendments reported by the committee.

And the question being put,

It was decided in the affirmative.

Mr. Hudson moved to amend the bill by striking out the 36th section.

And the question being put,

The ayes and noes were demanded by Messrs. Hudson and Stuart.

*Those who voted in the affirmative were,*

Messrs. Barker, Behm, Davis, Douthit, Foster, Geddes, Goudy, Hays of White, Holman, Hudson, McDonald, McDowell, Morris, Porter, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Suit, Sumner, Taggart, Thompson, Torbet, Watson, Wilson, and Withers—29.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Dice, Dobson, Donaldson, Donham, Eccles, English, Gookins, Graham, Hanna, Hart, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Huey, Huffstetter, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Litchfield, Major, Manson, McAllister, McConnell, Miller, Mudget, Nelson, Schoonover, Stanfield, Stevens, Stuart, Sweet, Walker, Wells, and Mr. Speaker—52.

So the 36th section was not stricken out.

On motion by Mr. English,

The bill was amended by placing Clark and Scott in the same district.

On motion by Mr. Dobson,

The bill was amended by placing Owen and Greene in one district.

On motion by Mr. Stanfield,

The bill was amended by placing Marshall and St. Joseph counties in one district.

On motion by Mr. Holman,

The bill was amended by placing Ripley, Dearborn and Ohio, in one district.

On motion by Mr. Withers,

The bill was amended by placing Franklin, Rush and Decatur in one district.

On motion by Mr. Reynolds,

The bill was amended by placing Grant and Madison in one district.

On motion by Mr. Thompson,

The bill was amended by placing Delaware and Randolph in one district.

On motion by Mr. Suit,

The bill was amended by placing Carroll and Clinton in the same district.

On motion by Mr. Barker,

The bill was amended by placing White, Gibson and Dubois in the same district.

On motion by Mr. Morris,

The bill was amended by placing Henry and Shelby in the same district.

On motion by Mr. Hicks,

The bill was amended by placing Jennings and Bartholomew in the same district.

On motion by Mr. Laverty,

The bill was amended by placing Morgan, Brown and Monroe in the same district.

On motion by Mr. Douthit,

The bill was amended by placing Hamilton and Tipton in the same district.

On motion by Mr. Smith of Spencer,

The bill was amended by placing Warrick, Perry and Spencer in the same district.

On motion by Mr. Helmer,

The bill was amended by placing Lawrence and Martin in the same district.

On motion by Mr. Bulla,

The bill was amended by placing Union, Fayette and Wayne in the same district.

Mr. Donaldson called the previous question.

Which was ordered.

The main question being put, viz.: shall the bill be engrossed?

The ayes and noes were demanded by Messrs. Brady and Cockrum.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Behm, Brady, Buskirk, Carpenter, Cowgill, Dice, Dobson, Donaldson, English, Graham, Gunn, Hanna, Henry, Hicks, Hunt, Kent, King, Lewis, Litchfield, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Smith of Spencer, Stanfield, Stover, Struble, Stuart, Sweet, Taggart, Walker, and Withers—36.

*Those who voted in the negative were,*

Messrs. Barker, Bryant, Bulla, Chowning, Cockrum, Crawford, Cromwell, Davis, Donham, Douthit, Eccles, Foster, Geddes, Gookins, Goudy, Hart, Hays of White, Helmer, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Lavery, Lawrence, Leviston, Major, Manson, Mayfield, McDonald, Nelson, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Staton, Stevens, Suit, Sumner, Thompson, Torbet, Watson, Wells, Wilson, and Mr. Speaker—49.

So the bill was not ordered to be engrossed,

No. 111. A bill defining the jurisdiction and regulating the practice of probate courts.

The question being, shall the bill be engrossed?

And being put,

It was decided in the negative.

On motion by Mr. Holman,

No. 133. A bill providing for the establishment of circuit probate courts,

Was taken from the table.

The question being on the engrossment of the bill.

Mr. Cowgill moved to indefinitely postpone the bill,

And the question being put,

The ayes and noes were demanded by Messrs. Cowgill and Graham.

*Those who voted in the affirmative were,*

Messrs. Beane, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Dice, Dobson, Donham, Eccles, English, Gookins, Goudy, Gunn, Henry, Holliday of Blackford, Hudson, Hunt, King, Major, McAllister, McConnell, Miller, Morris, Mudget, Nelson, Shanklin, Stanfield, Stevens, Stuart, Suit, Sumner, Sweet, Thompson, Walker, Wells, Wilson, and Mr. Speaker—41.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Buskirk, Crawford, Davis, Donaldson, Douthit, Foster, Geddes, Graham, Hanna, Hart, Hays of White, Helmer, Hicks, Holladay of Parke, Holman, Hostetter, Huey, Huffstetter, Laverty, Lawrence, Lewis, Litchfield, Manson, Mayfield, McDonald, McDowell, Porter, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Taggart, Torbet, Watson and Withers—40.

So the bill was indefinitely postponed.

Mr. Holman moved the House adjourn.

Which motion did not prevail.

On motion,

Leave was granted Mr. Stuart to withdraw his resolutions relative to the organization of courts of justice, which were a part of the special order of to-day.

Mr. Torbet, under the rule, gave notice of a motion for leave to introduce a bill relative to public printing.

Mr. Smith of Marion moved the House adjourn,

Which motion did not prevail.

#### HOUSE BILLS ON THIRD READING.

No. 23. A joint resolution asking the passage of a law by Congress, authorizing the State of Indiana to sell the Saline lands that remain unsold, at such price as may be deemed right by the General Assembly of the State.

Was read a third time.

The question being, Shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Bus-

kirk, Carpenter, Chowning, Cockrum, Cowgill, Dice, Dobson, Donham, Douthit, Eccles, English, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hanna, Helmer, Henry, Hicks, Holladay of Parke, Hudson, Huey, Huffstetter, Humphreys, Hunt, Leviston, Lewis, Litchfield, Manson, Mayfield, McAllister, Nelson, Reynolds, Schoonover, Shanklin, Smith of Marion, Stevens, Stover, Struble, Taggart, Walker, Wells, and Mr. Speaker—52.

*Those who voted in the negative were,*

Messrs. Crawford, Davis, Donaldson, Hays of White, Holman, Hostetter, Kent, Laverty, Lawrence, Major, McConnell, McDonald, McDowell, Miller, Mudget, Porter, Smith of Spencer, Stanfield, Station, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Watson, Wilson, and Withers—27.

So the joint resolution passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Reynolds moved the House adjourn.

Which motion did not prevail.

Mr. Suit, from the committee on Engrossed bills, made the following report:

**MR. SPEAKER:**

The committee on Engrossed Bills have examined engrossed bills of the House, Nos. 80 and 142, and find them correctly engrossed.

Mr. Suit, chairman of the committee on Engrossed Bills, made the following report:

**MR. SPEAKER:**

The committee on Engrossed Bills have examined bills of the House, Nos. 102 and 136; also, joint resolution No. 23, and find them correctly engrossed.

#### HOUSE BILLS ON SECOND READING.

**No. 143.** A bill to provide for the punishment of offences against the right of suffrage.

Was read a second time.



On motion by Mr. Stuart,  
The bill was laid on the table.  
Mr. Behm moved the House adjourn.  
Which motion did not prevail.

No. 144. A bill relative to the proving and recording of deeds of conveyance of real estate.

Was read a second time.

On motion by Mr. Hudson,  
The bill was referred to the Judiciary committee.

On motion by Mr. English,  
The House adjourned.

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FRIDAY MORNING, 9 O'CLOCK, }  
February 13, 1852. }

The House met.

The journal of the preceding day was read.

#### PETITIONS PRESENTED.

By Mr. Behm:

The proceedings of a meeting held in Tippecanoe county on the 10th inst., relative to free banks;

Which,

On motion,

Was referred to the committee on Free Banks.

By Mr. Carpenter:

The petition of sundry citizens of Vanderburgh county, in reference to the appraisement of real estate;

Mr. Carpenter moved to refer the petition to the committee of Ways and Means.

Mr. Buskirk moved to change the reference to the select committee on the State Board of Equalization.

Which motion prevailed.

By Mr. Crim:

The memorial of sundry ladies and gentlemen of this State, on the subject of the liquor traffic;

Which,

On motion,

Was referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Holman, chairman of the committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary committee, to which was referred House bill No. 130, entitled "An act to amend an act to incorporate the Lafayette Bridge Company," have had the same under consideration, and have directed me to report: That, in the opinion of a majority of the committee, a principal evil sought to be remedied by the framers of the Constitution, was special and local legislation, and a principal object sought to be effected, was a system of general laws, of uniform operation throughout the State. The amendment of a special act of incorporation by a special act, would be in effect the same evil as the practice heretofore so universal, of passing special laws for the incorporation of private companies. A majority of the committee are therefore of opinion that the 3d and 4th sections of the bill, being amendatory of a private act of incorporation, violate the spirit of the 13th Section of Article 11th of the Constitution; and inasmuch as a general law on the subject could be made applicable to such amendments, a majority of the committee are of the opinion that the bill would violate the 23d Section of Article 4th of the Constitution, and that the passage of such a bill would violate the general spirit of the Constitution in its various provisions against special and partial legislation. A majority of the committee still deem any amendment of a special act of incorporation, by any means, as a violation of the Constitution. This question is not, however, involved in this inquiry; and the committee report back the bill for the further action of the House, and ask to be discharged from the further consideration of the subject.

On motion by Mr. Nelson,

The bill was referred to a select committee of three, "with instructions to report a general law on that subject."

Messrs. Nelson, Behm, and Smith of Marion, were appointed said committee.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House:

No. 34, entitled "An act authorizing recorders to make out general or complete indexes to records of deeds and mortgages, and to procure and use seals."

With one engrossed amendment thereto, in which the concurrence of the House is respectfully requested.

Also, that the Senate has passed the following engrossed joint resolution thereof:

No. 48, entitled "A joint resolution asking an appropriation of Congress to erect public buildings in the city of Indianapolis."

In which the concurrence of the House is respectfully requested.

The engrossed amendment of the Senate to House bill No. 34, contained in the foregoing message,

Was concurred in.

Ordered that the clerk inform the Senate thereof.

Joint resolution No. 48, contained in the foregoing message,  
Was read a first time, and ordered to a second reading.

Mr. Gunn, from a select committee, made the following report:

MR. SPEAKER:

The select committee on Temperance, to which was referred sundry resolutions of the House, and numerous petitions on the subject of temperance, has instructed me to report the accompanying bill, and recommend its passage:

No. 147. A bill to regulate the traffic in intoxicating liquors, and for the prevention and remedy of the evils arising therefrom;

Which was read a first time, and passed to a second reading.

Mr. Stuart gave notice of a motion for leave to introduce a bill to provide for the punishment of offences by imprisonment in the county jail.

## RESOLUTIONS OF THE HOUSE.

Mr. Holladay of Parke, offered the following preamble and resolution:

The Rev. B. K. MALITY, member of the Board of National Popular Education, now in this city, and having been solicited to deliver an address on the subject of Education, in its connection with that enterprise, and especially with the employment of Women as the Teachers of children; Therefore,

*Resolved*, That the use of the Hall of the House of Representatives for Monday evening next, be tendered to him for that purpose.

Which resolution was adopted.

On motion by Mr. Buskirk,

*Resolved*, That the Auditor of State be requested to furnish to this House, at as early a period as practicable, a complete statement of the constituent parts of the University fund, showing the manner in which the same was raised, and setting forth, as accurately as the records in his office will enable him to do, an account of the sales of the University lands; in what counties located, and the prices per acre for which the same have been sold, and the amount and quality of said lands remaining unsold, if any, and where located, and the amount of said funds now on loan in the Auditor's office.

Mr. Holman offered the following resolution:

*Resolved*, The Senate concurring, that this General Assembly will adjourn without day on the first Monday of March next, and that the Judiciary committee report a bill extending the term of office of the commissioners appointed to simplify the practice, &c., until the first day of April, 1852, and requiring them on or before that day, to file their final report in the office of the Secretary of State, who shall cause ——— thousand copies thereof to be printed in open form for circulation throughout the State, and that the same be legislated on by the next General Assembly.

Mr. Donaldson moved the following amendment to the resolution:

Insert in the proper place, "and that this Legislature meet again on the first Monday of May next; that a committee of three from the House, and two from the Senate, be appointed to revise the laws of the State, so far as the same can be done, and that all officers except those elected, be discharged after the 1st Monday in March, and that the per diem of members and officers cease during said adjournment."

Mr. Sumner called the previous question.

Which was ordered by the House.

The question being on the adoption of Mr. Donaldson's amendment,

Mr. Stuart asked to be excused from voting on said amendment.

Which request was not granted.

The question being on the adoption of Donaldson's amendment.

The ayes and noes were demanded by Messrs. Sumner and Donaldson.

*Those who voted in the affirmative were,*

Messrs. Bulla, Carpenter, Cowgill, Crim, Dobson, Donaldson, Doughty, English, Geddes, Goudy, Hart, Helmer, Henry, Hostetter, King, McConnell, Mudgett, Nelson, Suit and Thompson—20.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Buskirk, Chowning, Cockrum, Crawford, Cromwell, Dice, Donham, Douthit, Eccles, Foster, Gibson, Graham, Gunn, Hanna, Hays of White, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Laverty, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McDonald, McDowell, Miller, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Sumner, Sweet, Taggart, Torbet, Walker, Watson, Wells, Wilson, Withers and Mr. Speaker—64.

So the amendment was not adopted.

The question then recurred on the adoption of Mr. Holman's resolution.

Mr. English called a division of the question, there being two substantive propositions contained in the resolution.

The first question being on the first part of the resolution, relative to adjournment.

The Speaker ruled it out of order.

The question then being put on the adoption of the second part of the resolution relative to the law commissioners.

The ayes and noes were demanded by Messrs. Holman and Sumner.

*Those who voted in the affirmative were,*

Messrs. Carpenter, Cowgill, Gookins, Holman, Stover, Torbet, and Walker—7.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Crawford, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Mudget, Nelson, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Watson, Wells, Wilson, Withers, and Mr. Speaker—77.

So the second proposition contained in the resolution was not agreed to.

Mr. Doughty moved to reconsider the vote by which the House indefinitely postponed Mr. Cockrum's resolution relative to adjournment, rejected by the House some days since.

Mr. Gibson moved to lay the motion on the table;

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Holman.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Crawford, Dice, Dobson, Donham, Douthit, Eccles, English, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Hostetter, Hudson, Huey, Humphreys, Kent, King, Lavery, Lawrence, Leviston, Litchfield, Major, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Mudget, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wilson, Withers, and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Beane, Carpenter, Cockrum, Cowgill, Donaldson, Doughty, Foster, Geddes, Gookins, Holladay of Parke, Holman, Huffstetter, Hunt, Lindsay of Howard, Nelson, Stevens, Stover, Torbet, and Wells—19.

So the motion was laid on the table.

Mr. Douthit offered the following resolution :

*Resolved*, That no member shall speak longer than fifteen minutes at one time, nor more than twice on the same subject, or any amendment thereto, unless by the consent of three-fourths of the members present.

Mr. Doughty moved to amend the resolution by allowing each member to speak as long as he pleases.

Mr. Smith of Spencer moved to amend the amendment by adding that a majority shall rule.

The question first being put on the amendment of Mr. Doughty, It was agreed to.

The question being put put on the amendment of Mr. Smith of Spencer,

It was not agreed to.

The question then recurring on the adoption of the resolution, It was agreed to.

On motion by Mr. Shanklin,

*Resolved*, That the committee on Equalization be instructed to enquire into the expediency of providing for the equalization of the late assessment of property by townships in each county, said board to consist of the county commissioners the Auditor and Treasurer of the county.

On motion by Mr. Hunt,

*Resolved*, That the committee on the State Library be directed to enquire into the expediency of authorizing the Librarian to distribute to each of the several counties of this State such number of the surplus copies of the United States census returns for 1840 as he may think proper, and to otherwise dispose of the remaining extra copies in such manner as he may think best calculated to diffuse the information they contain among the people of the State.

On motion by Mr. Withers,

*Resolved*, That the Judiciary committee be instructed to enquire whether any property is by existing laws exempt from distress and sale for State and county revenue, and if so whether it is not expedient to repeal all laws exempting property from execution and sale for such purposes.

A message from the Senate by Mr. Dunn, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House :

No. 64. Entitled "a bill to establish public Libraries."

Also, No. 68. Entitled "an act for the encouragement of Agriculture."

Without amendment.

Mr. Lewis in pursuance of previous notice obtained leave and introduced

No. 148. A bill regulating the office of county Auditor.

Which was read a first time and passed to a second reading.

By unanimous consent of the House,  
Mr. King obtained leave and introduced

No. 149. A bill to prefix to volumes of Legislative enactments hereafter, the names and residence of the Governor, Lieutenant Governor, Senators, Members of the General Assembly and presiding Officers of both Houses in office at the time of the passage of such laws.

Which was read a first time and passed to a second reading.

Mr. Stuart under the rule gave notice of a motion for leave to introduce a bill in relation to the organization of courts of Probate jurisdiction in every county in this State.

Mr. Torbet in pursuance of previous notice obtained leave and introduced

No. 150. A bill to provide for the public printing and binding, distribution of the laws and journals, and the publication thereof in the newspapers.

Which was read a first time, and passed to a second reading.

Mr. King under the rule gave notice of a motion for leave to introduce a bill relative to the organization of Telegraph companies.

By unanimous consent of the House,  
Mr. Dobson obtained leave and introduced

No. 151. A bill to provide for the survey of Swamp Lands.

Which was read a first time, and passed to a second reading.



Mr. McDonald, under the rule, gave notice of a motion for leave to introduce a bill relative to the running at large of animals.

Mr. Carpenter, under the rule, gave notice of a motion for leave to introduce a bill for a general charter.

#### ORDERS OF THE DAY.

##### *House Bills on Third Reading.*

No. 80. A bill for the relief of the poor;  
Was read a third time.

The question being, shall the bill pass?

Pending which,

On motion by Mr. Gibson,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

#### ORDERS OF THE DAY RESUMED.

The question being on the passage of bill No. 80, a bill for the relief of the poor,

Mr. Nelson moved to recommit the bill to the committee on Benevolent and Scientific institutions, with the following instructions:

That the bill be recommitted with instruction so to amend as to compel each township to support its own poor.

Which motion did not prevail.

The question then recurred on the passage of the bill.

And being put,

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Brady, Bryant, Chowning, Cockrum, Cowgill, Cromwell, Dice, Dobson, Donaldson, Donham, Douthit,

Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Holman, Hostetter, Huey, Huffstetter, Humphreys, Lavery, Lawrence, Leviston, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, McDonald, Nelson, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—61.

*Those who voted in the negative were,*

Messrs. Kent and McDowell—2.

So the bill did not pass.

On motion by Mr. Sumner,

A call of the House was ordered.

The clerk then proceeded to the call, when the following members answered to their names:

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Holliday of Blackford, Holman, Hostetter, Huey, Huffstetter, Humphreys, Kent, Lavery, Lawrence, Leviston, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Mudget, Nelson, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—72.

On motion by Mr. Foster,

Mr. Beeson was excused.

On motion by Mr. Goudy,

Mr. Crim was excused on account of sickness.

On motion by Mr. Withers,

Mr. Davis was excused on account of sickness.

Mr. Stover moved the further call of the House be dispensed with.

Which motion did not prevail.

The clerk proceeded with the call.

Mr. Donaldson moved the further call of the House be dispensed with.

Which motion did not prevail.

Mr. Holman moved a further call of the House be dispensed with.

Which motion did not prevail.

There being no quorum voting.

On motion by Mr. Beach,

A call of the House was ordered.

The clerk then proceeded to the call, when the following members answered to their names :

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Mudget, Nelson, Porter, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—76.

On motion by Mr. Stover,

The further call of the House was dispensed with.

There being a quorum present,

The question was put on the passage of bill

No. 80. A bill for the relief of the poor.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McConnell, McDonald, Miller, Mudget, Nelson, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Sumner, Sweet, Taggart, Thompson, Walker, Watson, Wells, Wilson, Withers and Mr. Speaker—77.

*Those who voted in the negative were,*

Messrs. English and McDowell—2.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

## HOUSE BILLS ON SECOND READING.

No. 145. A bill to provide for the election of judges of the supreme court.

Was read a second time.

Mr. Brady moved to lay the bill upon the table, and the question being put :

The ayes and noes were demanded by Messrs. Brady and Behm.

*Those who voted in the affirmative were,*

Messrs. Beane, Behm, Brady, Bryant, Carpenter, Chowning, Cowgill, Cromwell, Dice, Donaldson, Doughty, Foster, Gibson, Gookins, Goudy, Gunn, Hanna, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Hunt, King, Lewis, Litchfield, McDowell, Miller, Mudgett, Porter, Smith of Marion, Stanfield, Stuart, Taggart, Walker, Watson, and Withers—37.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Buskirk, Cockrum, Crawford, Dobson, Donham, Douthit, Eccles, Geddes, Graham, Hart, Holliday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Kent, Lawrence, Leviston, Lindsay of Howard, Major, Mayfield, McAllister, McConnell, McDonald, Nelson, Reynolds, Schoonover, Shanklin, Smith of Spencer, Staton, Stevens, Stover, Struble, Sumner, Sweet, Thompson, Wells, Wilson, and Mr. Speaker—42.

So the bill was not laid on the table.

The question then recurred on the engrossment of the bill,

And being put,

The ayes and noes were demanded by Messrs. Gibson and Donaldson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Dice, Dobson, Donham, Douthit, Eccles, Foster, Geddes, Graham, Gunn, Hart, Hays of White, Helmer, Hicks, Holliday of Blackford, Hostetter, Huey, Humphreys, Kent, Leviston, Lindsay of Howard, Major, Mayfield, McAllister, McConnell, McDonald, Mudgett, Nelson, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Sweet, Thompson, Walker, Wilson, and Mr. Speaker—48.

*Those who voted in the negative were,*

Messrs. Beane, Behm, Bryant, Cowgill, Cromwell, Donaldson, Doughty, Gibson, Gookins, Goudy, Hanna, Henry, Holladay of Parke, Hudson, Huffstetter, Hunt, King, Laverty, Lawrence, Lewis, Litchfield, McDowell, Miller, Porter, Stanfield, Stuart, Suit, Sumner, Taggart, Watson, Wells, and Withers—32.

So the bill was ordered to be engrossed.

No. 146. A bill to attach a part of the county of Gibson to the county of Pike;

Was read a second time.

Mr. Barker moved to refer the bill to a select committee of three. Mr. Smith of Spencer moved the following instructions:

The county of Pike shall be divided into four equal parts: one-fourth shall be annexed to the county of Knox, one-fourth to the county of Gibson, one-fourth to the county of Daviess, and one-fourth to the county of Dubois.

The question being put on referring the bill with the instructions of Mr. Smith of Spencer to a select committee of three,

It was decided in the affirmative.

Messrs. Barker, Graham, and Cockrum were appointed said committee.

Mr. Suit, from the committee on Engrossed Bills made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined engrossed bill of the House No. 145 and find it correctly engrossed.

A message from the Senate by Mr. Dunn their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following joint resolution:

No. 69. A joint resolution on the subject of emigration to Oregon and the Pacific coast.

In which the concurrence of the House is respectfully requested.

Joint resolution No. 69, contained in the foregoing message, was read a first time and ordered to a second reading.

A message from the Senate, by Mr. Dunn, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that they have passed the following bill thereof;

No. 47. A bill districting the State for the election of four judges for the supreme court.

In which the concurrence of the House is respectfully requested.

Bill No. 47, contained in the foregoing message,  
Was read a first time and ordered to a second reading.

A message from the Senate by Mr. Dunn, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the Senate:

No. 80. Entitled, a bill to approximate an equalization of the labors of the judges of the first, fifth, and thirteenth judicial districts.

In which the concurrence of the House is respectfully requested.

Bill No. 80, contained in the foregoing message,  
Was read a first time.

Mr. Beach moved to suspend the rule and read the bill a second time now.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Geddes, Gibson, Gookins, Goudy, Gunn, Hanna, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Huey, Humphreys, Hunt, Kent, King, Leviston, Lewis, Lindsay of Howard, Litchfield, Mayfield, McAllister, McConnell, Mudget, Nelson, Porter, Schoonover, Shanklin, Smith of Marion, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Walker, Wilson, and Mr. Speaker—61.

*Those who voted in the negative were,*

Messrs. English, Graham, Holman, Lavery, Lawrence, Major, McDonald, McDowell, Reynolds, Smith of Spencer, Thompson, Torbet, Watson, Wells, and Withers—15.

So the rule was suspended, and the bill was read a second time.

On motion by Mr. Holman,

Bill No. 80, contained in the foregoing message, was amended by striking out the 2d section of the bill.

Mr. Beach moved to suspend the rule and read the bill a third time.

Mr. Behm moved to lay the bill on the table.

Which motion did not prevail.

The question then being put on suspending the rule and reading the bill a third time now,

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Brady, Bryant, Buskirk, Chowning, Cowgill, Cromwell, Dobson, Donaldson, Doughty, Douthit, Eccles, English, Foster, Gibson, Gookins, Gunn, Hicks, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Leviston, Litchfield, Mayfield, McAllister, McConnell, McDonald, Miller, Mudgett, Porter, Schoonover, Smith of Marion, Stanfield, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, and Wilson—49.

*Those who voted in the negative were,*

Messrs. Beane, Behm, Cockrum, Crawford, Dice, Geddes, Goudy, Graham, Hanna, Hart, Hays of White, Helmer, Henry, Holladay of Parke, Lavery, Lawrence, Lewis, Lindsay of Howard, Major, McDowell, Nelson, Reynolds, Shanklin, Staton, Stevens, Thompson, Walker, Watson, Wells, Withers, and Mr. Speaker—31.

So the rule was not suspended.

The bill then passed to a third reading.

#### HOUSE BILLS ON THIRD READING.

No. 142. A bill to authorize the relocation of the seat of justice of the county of Clay, and to suspend the erection of a court house for said county, and to authorize the receiving of subscriptions and donations for the erection of the public buildings in said county ;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Beach, Behm, Brady, Chowning, Cowgill, Cromwell, Dice, Dobson, Donham, Doughty, Douthit, English, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Holladay of Parke, Holliday of Blackford, Hudson, Hunt, King, Lawrence, Lindsay of Howard, Litchfield, Major, Mayfield, McAllister, McDonald, Nelson, Reynolds, Schoonover, Shanklin, Stevens, Struble, Suit, Sumner, Sweet, Thompson, Walker, Watson, and Wells—43.

*Those who voted in the negative were,*

Messrs. Beane, Bryant, Cockrum, Crawford, Donaldson, Eccles, Hart, Hays of White, Helmer, Henry, Hicks, Holman, Hostetter, Huey, Huffstetter, Humphreys, Lavery, Leviston, Lewis, McDowell, Miller, Mudgett, Porter, Stanfield, Staton, Stover, Stuart, Taggart, Torbet, Wilson and Withers—31.

So the bill did not pass.

Mr. Buskirk moved that the House adjourn;

Which motion did not prevail.

No. 79. A bill authorizing the construction of plank, McAdamized and gravel roads;

The question pending being the motion of Mr. Stover to reconsider the vote by which the amendment of Mr. Manson to the instructions of Mr. Owen was lost,

Pending which,

On motion by Mr. Kent,

The bill was laid on the table.

By unanimous consent of the House,

Mr. Huffstetter, chairman of the committee on Public Buildings, made the following report:

**MR. SPEAKER:**

The committee on Public Buildings, to whom was referred the report of the State Librarian, and sundry resolutions of the House, relative to repairs upon the State House, and the grounds and fencing belonging to the same, have had the same under consideration, and find, upon examination, with the assistance of competent mechanics, that the roof of the building is in quite a dilapidated condition, so as to endanger the permanency of the same,—the roof being of tin, and many of the sheets having blown off, or given away, so that the



leakage has injured and is materially injuring the plastering in the Senate chamber and in the House of Representatives, where the same is not protected by the floors.

From the best information the committee could gather, the cost of the roof, to be of the Boston sheet paper, will be about six dollars per square and the necessary plastering not more than three hundred and fifty dollars. No estimate is made of the probable cost of the painting, which, it is thought, cannot be very great.

The committee are of opinion that repairs are necessary to the preservation of the building, and the longer the matter is postponed, the greater the expense will be. The expense of the roof alone, as appears from the Librarian's report, is near one hundred dollars per year. I am therefore instructed to report the accompanying bill.

The committee also examined the fencing around the State House lot, and believe it to be sufficient for two or three years.

No. 152. A bill authorizing the State Librarian to contract for re-covering the State House with a patent roof of the Boston sheet paper; also, for the re-painting of the outside wood work, and the necessary plastering for the same;

Which was read a first time and passed to a second reading.

On motion by Mr. Withers,  
The House adjourned.

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SATURDAY MORNING, 9 o'clock, }  
February 14th, 1852.

The House met.

The Journal of the preceding day was read.

#### PETITIONS &C. PRESENTED.

By Mr. Brady :

The proceedings of a public meeting of many of the business men and other citizens of Indianapolis, requesting the Legislature to pass a general banking law ;

Which,

On motion,

Was referred to the committee on Free Banks.

By Mr. Lindsay of Howard,  
Two memorials from sundry ladies and gentlemen of Howard  
county on the subject of temperance;

Which,

On motion,

Were referred to the committee on Temperance.

By Mr. Carpenter:

The petition of sundry citizens of Vanderburgh county in refer-  
ence to taxing foreign insurance companies;

Which,

On motion,

Was referred to the committee on Corporations.

By Mr. Barker:

The petition of sundry citizens of Dubois county praying the re-  
peal of an act declaring Flat Creek a navigable stream;

Which,

On motion,

Was referred to a select committee of three.

Messrs. Barker, Graham and Huffstetter were appointed said com-  
mittee.

#### REPORTS FROM COMMITTEES.

Mr. Nelson, from the committee on Ways and Means, made the  
following report:

**MR. SPEAKER:**

The committee on Ways and Means, to whom was referred the  
petition of John P. Hedges and others, in behalf of purchasers of  
canal lands, have had the subject of the said petition under consid-  
eration, and have instructed me to report as follows:

The petition sets forth, in substance, that many persons who had  
purchased Wabash and Erie canal lands previous to 1847, had been  
unable to pay the whole of the purchase money and interest, as the  
same became due, and that in 1847 the lands had become forfeited,  
and that an enforcement of the forfeiture would render them home-  
less; and the petition asks that the General Assembly will provide  
by law that, in such cases, the amount already paid by such pur-  
chasers may be applied in payment of such proportion of the land  
purchased as it will cover, and that the purchasers shall be entitled  
to a conveyance of those portions of such lands so paid for, and a  
release from all obligation to pay for the remainder.

Your committee are of the opinion that, inasmuch as the State, in  
the year 1847, conveyed her entire interest in these lands to the  
board of trustees of the Wabash and Erie Canal, the General As-

sembly does not possess the power to release the purchasers of the lands from any obligations or forfeitures resulting from a non-compliance with the terms of purchase; and that, although it has been the uniform practice of the State to extend every reasonable degree of indulgence to her debtors, yet in the present instance the attempt to afford the relief sought would be fruitless; and that the purchasers have to look to the trustees of the canal for the relief they desire.

Your committee, therefore, ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Huffstetter, chairman of the committee on Roads, made the following report:

**MR. SPEAKER:**

The committee on Roads to whom was referred a petition asking for the location of a State Road through the counties of Fulton, Pulaski, Starke and Laporte, have had the same under consideration, and in the opinion of said committee, to pass a law in accordance with the prayer of said petitioners, would be local or special in its character, and in violation of the constitution, and that provision will be made for the location of such roads by a general law, the committee therefore ask to be discharged from a further consideration of the subject.

The committee was discharged.

Mr. Bryant, chairman of the committee on Rights and Privileges of the Inhabitants of this State, made the following report:

**MR. SPEAKER:**

The committee upon the Rights and Privileges of the Inhabitants of the State, to which was referred the petition and remonstrance of citizens of Allen county, in relation to liens on boats and other vessels for construction, repairs and supplies, have had the subject under consideration, and directed me to report that in their opinion, no legislation is necessary, and ask to be discharged from the further consideration of the subject.

The committee was discharged.

Mr. Walker from a select committee made the following report:

**MR. SPEAKER:**

The select committee to whom was referred a petition of sundry

citizens of Spencer and Perry counties, asking for the formation of a new county out of the contiguous territories of said counties, have had that matter under consideration, and a majority of said committee have directed me to report it unconstitutional to grant said prayer for the reasons to-wit: Said constitution says said new county shall be formed out of equal portions of said counties and said memorials asks for 12 square miles more off of Perry than off of Spencer, and said committee asks to be discharged from the further consideration of said subject.

The committee was discharged.

#### RESOLUTIONS OF THE HOUSE.

On motion by Mr. Brady,

*Resolved*, That the committee on the Organization of Courts of Justice, examine and inquire what length of time it is actually necessary the circuit courts for each county should occupy in each year, and report a tabular statement thereof to this House.

On motion by Mr. Crim,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of requiring all persons, who were in office on the first day of November last, and who were required by the provisions of the Revised Statutes of 1843, to file with some officer certified copies of their oaths of office, to file with the proper officers certified copies of their oaths to support the present constitution of this State, and to report by bill or otherwise.

On motion by Mr. Shanklin,

*Resolved*, That the committee on Corporations be instructed to report a bill for the relocation of county seats, and that they make provision for a majority of all the voters of such county favorable to any one point have the right to make the same.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 147. A bill to regulate the traffic of intoxicating liquors and for the prevention and remedy of the evils arising therefrom.

Was read a second time.

On motion by Mr. Reynolds,  
The bill was laid on the table and ordered to be printed.

No. 148. A bill regulating the office of county auditor.

Was read a second time.

On motion by Mr. Buskirk,  
The bill was referred to the committee on Ways and Means.

No. 149. A bill to prefix to volumes of Legislative enactments hereafter published the names and residence of the Governor, Lieutenant Governor, Senators, and members of the Assembly, and presiding officers of both Houses, in office at the time of the passage of such laws ;

Was read a second time.

On motion by Mr. Sumner,  
The bill was laid on the table.

No. 150. A bill to provide for the public printing and binding, distribution of the laws and journals, and the publication thereof in the newspapers ;

Was read a second time.

Mr. Buskirk offered the following amendment :

Strike out of the 9th section the following words : "to the documentary journal and other journals, and."

And insert in the proper place the following section :

It shall be the duty of the secretary of the Senate and principal clerk of the House of Representatives, to make out complete indexes to the journals of their respective Houses, who shall be allowed a reasonable compensation therefor.

Mr. Smith of Spencer offered the following amendment to the amendment of Mr. Buskirk :

Strike out all relating to the printing being done by county newspapers.

On motion by Mr. Torbet,

The bill and pending amendments were laid on the table and ordered to be printed.

No. 151. A bill to provide for a survey of the swamp lands ;

Was read a second time.

Mr. McDonald moved to refer the bill to the committee on Swamp Lands;

And the question being put,

The ayes and noes were demanded by Messrs. English and McDonald.

*Those who voted in the affirmative were,*

Messrs. Beach, Behm, Bryant, Buskirk, Cowgill, Crawford, Crim, Cromwell, Dice, Donham, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Graham, Gunn, Hays of White, Hicks, Huey, Hunt, King, Lavery, Lawrence, Lewis, Lindsay of Howard, Major, Mayfield, McConnell, McDonald, Miller, Nelson, Porter, Reynolds, Stanfield, Stevens, Stover, Struble, Suit, Sumner, Thompson, Walker, Watson, and Mr. Speaker—45.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Brady, Bulla, Carpenter, Chowning, Cockrum, Dobson, Doughty, English, Gookins, Hart, Helmer, Henry, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huffstetter, Humphreys, Litchfield, McDowell, Mudgett, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stuart, Sweet, Torbet, Wells, Wilson, and Withers—35.

So the bill was so referred.

No. 152. A bill authorizing the State Librarian to contract for re-covering the State House with a patent roof of the Boston sheet paper, also for the repainting of the outside wood-work, and the necessary plastering of the same;

Was read a second time and ordered to be engrossed.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that they have passed the bill of the House

No. 115. Entitled "a bill to exempt property from sale in certain cases;"

Without amendment.

The Speaker laid before the House the following communication and report of the Auditor of State in obedience to a resolution of the House:

OFFICE OF AUDITOR OF STATE, }  
 INDIANAPOLIS, February 14, 1852. }

HON. JOHN W. DAVIS,  
*Speaker of the House of Representatives:*

Please lay before the House the following communication, and oblige,

Very respectfully,

Your obedient serv't,

E. W. H. ELLIS,  
*Auditor of State.*

OFFICE OF AUDITOR OF STATE, }  
 INDIANAPOLIS, Feb. 14, 1852. }

HON. JOHN W. DAVIS,  
*Speaker of the House of Representatives:*

SIR—I have received the following resolution of the House, to-wit:

On motion by Mr. Buskirk,

*Resolved*, That the Auditor of State be requested to ascertain and report to this House, at an early day, what the assessment of personal property and the county boards of equalization have cost per annum for the last five years; also what the same services have cost for the same period in those counties where there are township assessors; and that the said Auditor be requested to make any suggestions that he may deem proper upon the different plans of assessing personal property.

In answer thereto the following statement is submitted, to-wit:





[illegible]



Several of the county auditors have remarked briefly on the subject of the assessment of property; and as they are more cognizant of the workings of the system than any other class of officers, their opinions are subjoined.

*From the Auditor of Allen County.*

A greater incapacity for usefulness and common sense guess work, could not well be found, than that exhibited in some of the township assessment rolls returned to this office, and some of the appraisers' abstracts can legitimately claim close kindred. The result of which, after the most minute care in deciphering and correcting, has been to bespatter the treasurer's duplicate from one end to the other with overcharges, undercharges and extra assessments. I hope in all good conscience that the office of township assessor may be abolished.

*From the Auditor of Bartholomew County.*

My opinion is that the assessment of the personal property would be more fully returned by township assessors. The territory to be gone over being divided among so many that they are not rushed through so hurriedly; in consequence of which the property of the county is more efficiently sought after, and of course a much larger amount returned.

*From the Auditor of Brown County.*

I am in favor of county assessors, for the following reasons: Where the assessing is done by one man, property is more equally valued than when done by more. If the county assessor is not competent, he in all probability will assess property more equally than when done by five or ten, when some of them are competent and others not. If township assessors are qualified as well as the county assessor, in some townships property will be appraised higher according to its value than in others. Under the law assessing by townships, in this county it has invariably been the case that some portions of the county paid a higher tax according to the value of property than others. As to cost of assessing, I believe there is very little difference, unless the law is as it was here in 1849 and 1850, when the tax payer had to meet the assessor at the precinct in each township on the first Monday in April and give in his property, which is the cheapest mode we have ever had, but not the best.

*From the Auditor of Daviess County.*

I will give it as my opinion that county assessors are preferable to township assessors, and will be less expensive, unless the tax payers should be required to meet the township assessor at an appointed time, and that such as failed to do so should pay the assessor for calling on them; and even then I am inclined to think that the expense of assessing would be very little, if at all diminished. In fact I believe it would be increased if all the township assessors would be admitted as members of the board of equalization; though the reports for counties having township assessors may show that I am mistaken. I also believe that the assessor should value the property that the owner is not required to give in under oath. Under the present law there are many persons who do not give in their property at over half its real value, while others who are more scrupulous, value theirs at more than it is really worth. By this means the tax becomes unequal, and the only way I see to remedy it is to make the assessor place the value on such property.

*From the Auditor of Delaware County.*

I will take the liberty to say one thing in referenee to township assessors. It is certainly either a bad way of assessing, or is not well managed. In the first place, men of inferior qualifications as a general thing take the office. Secondly, they do not act at all in concert, or on the same view of the law, or appraise by the same rules, which produces inequality in taxation in the different townships. Thirdly, it is evidently far more expensive. But if township assessors must be, I hope the Legislature will fix the April township election for the time of their election. In this county at least, it has been a trouble to know the time. Some are elected in August, some in April, and nearly all appointed by the board for fear the election was not legal.

*From the Auditor of Dearborn County.*

I should prefer the election of township assessors, believing it to be far the best way, the people of each township having the privilege of selecting by ballot. Where county assessors make appointments of assistants, often they select those whom they are under some political obligation to, and in so doing make miserable appointments.

*From the Auditor of DeKalb County.*

I should say, judging from the increased expense for 1851, that county assessors would be the least expense; for previous to that year the county assessor has been able to do the work alone; but owing to the shortness of time allowed in 1851, he was obliged to have several deputies. As to making the assessment equal, I think county assessors are far preferable, judging also from the assessment of 1851.

*From the Auditor of Fayette County.*

I make the following suggestions relative to the propriety of the township system of assessment. The office being one of importance to both State and county, it ought to be so arranged as to command the services of men of sound judgment and good business qualifications. To procure such an inducement must be offered sufficient to justify them for withdrawing their services from their ordinary business. It is my opinion that the township system, at \$2.00 per day, would not afford employment long enough to justify their leaving their ordinary business to engage in it; and if that be correct, the business must necessarily fall into the hands of men less qualified to promptly and efficiently do the business. I think, furthermore, it would add considerably to the expense of assessment. On the other hand, the advantage likely to be obtained would be expedition in the business, giving the auditor more time to his work. But whether that should be done contrary to the public interest, may well admit of serious doubt.

*From the Auditor of Jasper County.*

I think all men should render a schedule of their property and swear to its correctness, and answer such other questions as the assessor may deem proper as to the quality of such as he cannot see; but most certainly the assessor should fix the value to each article. And I also think the fewer the assessors in the State, the more uniform will be the assessment, as men vary so much in their opinions. If one man could assess the whole State, it would be more uniform.

*From the Auditor of Jefferson County.*

I would remark, that from the limited knowledge I am in possession of, with regard to assessing revenue, I believe the old plan of county assessors is not only the best in point

of expense, but the work is done in a more mechanical manner, and of course more correctly. I would further suggest the idea of the Legislature offering a higher rate, and thereby induce men qualified to undertake the work.

*From the Auditor of Johnson County.*

I am of the opinion that township assessors are preferable to county assessors, and that this county can be assessed by township assessors for \$100, according to the present system.

*From the Auditor of Knox County.*

My suggestion with regard to a system of assessing, is this: Township assessors, furnished with their blotters from the auditor, who shall make the valuation of their township, and return said blotter to the auditor, whose duty it shall be to copy the same into one book, as is now done by the assessor. My reasons are, that many assessors make good valuers of property, who cannot write and make a book as it should be done. Hence the mistakes which occur in descriptions of land. Again, the auditor can copy to his duplicate much more readily from his own writing.

*From the Auditor of Kosciusko County.*

The assessor of Kosciusko county usually completes the assessments of Wayne township in less time in proportion to its size, than any other township in the county. This is owing to the fact that the assessor, and his predecessor, have resided in this township. This appears to me to be conclusive evidence that township assessors would be, as a general thing, a saving to the people, and those of this county are in favor of such a law.

*From the Auditor of La Grange County.*

The assessment by a county assessor is liked well, and is considered preferable to that of township assessors by a large majority of our people.

*From the Auditor of Marshall County.*

I think there is no doubt but a large majority of our county are opposed to having township assessors. We undoubtedly would not have that uniformity in the valuation of personal property that we have under the present system. We have eight townships in this county. Were an assessor to be elected in each township, it would be almost certain that no two of them would value property alike; and it would be very difficult to equalize the assessments under such circumstances. Therefore, you may consider that Marshall county will be satisfied with one assessor.

*From the Auditor of Miami County.*

We find that in the year 1848, there were four deputies, hence the increase in price paid over that of 1847; and also when the assessing is done by one man, we find more equality in the assessment, and the expense less, for in this county there are thirteen townships, which would require one day for each to come to the auditor's office to receive the list, and also one day for each to make return of the same, which would add twenty-four days, and then the thirteen remaining three days on the board of equalization, would add thirty-six days more, when, added together, makes sixty days over that of a county assessor, and at the present price—one dollar and fifty cents per day—will amount to the sum of ninety dollars over the amount that would be required when but one man does the assessing. And moreover, when men are so situated that they can be at home of nights, it is presumable that they cannot perform the same amount of labor, for they will sometimes have to travel four or five miles, morning and evening.

*From the Auditor of Monroe County.*

In the enactment of laws, the Legislature should not always adopt the system that is the cheapest, unless all things connected with the system be the same. Taxation should be equal in its burdens upon all,—and the greater number of assessors will make the greater inequalities in the assessments. The personal property law should cause every tax payer to be sworn to the whole of his personal property by items, or to no portion whatever.

The township system for this and some other counties, was enacted in 1847, with the express view of its being cheaper. By a comparison it is as follows :

Expense of county assessor for 1842, - - - -	\$198 00
Expense of county assessor for 1843, - - - -	202 00
Expense of county assessor for 1844, - - - -	195 00
Expense of county assessor for 1845, - - - -	171 00
Expense of county assessor for 1846, and re-appraised the real estate, 206 00	
	<hr/>
	\$972 00

*From the Auditor of Noble County.*

In reference to the assessment law, in my humble opinion, the system of county assessors is preferable to that of assessing by township assessors, and in proof of the correctness of my opinion, I would suggest that it is easier to elect one good man in each county to assess the revenue, than it would be to elect twelve good men in each county, or as many men as each county respectively may have townships. It would be impossible that so many men could assess the property of their respective counties with the same uniformity as one man would do it. It is well known that different men have different opinions and judgments, and the more men employed to do or perform a certain transaction, the greater will the difference be of opinion and of judgment. I would here respectfully refer to the transactions of the board of equalizers of Noble county for last year, to equalize the assessment of personal property,—the board being composed of the board of county commissioners, the county assessor, and county auditor. Their business went on without a jar, and every thing was got along with the first day of the session ; where, on the other hand, the board of equalizers of the appraisement of real estate,—composed of the board of commissioners and twelve appraisers, and the county auditor—sat three, and in the end could not give the satisfaction as if the property would have been appraised by one good man. And in regard to economy, I cannot for my life see that the assessment could be taken any cheaper by ten or twelve different men than by one ; for it is evident that after a man has taken the assessment of one township, he has acquired a considerable degree of facility, and would be able to assess the second township in very near half the time it took him to assess the first. Therefore, in my humble opinion, nothing could be gained by adopting township assessors. All of which is respectfully submitted.

*From the Auditor of Owen County.*

My own opinion is, that by having township assessors, the expenses will be diminished one-half, and the assessing done more accurately and satisfactorily. I do not believe a county assessor would cost less than three or four hundred dollars a year.

*From the Auditor of Parke County.*

The revenue depends very much on a thorough assessment which requires more than ordinary capacity, and the assessment, to be uniform in the county, should be done by one man. My experience is, that it is cheaper and better made by a county assessor than when done by township assessors.

*From the Auditor of Posey County.*

We have but few difficulties in this county to contend with, in the assessment of taxes, and my experience has induced me to believe that the county system is preferable to the

township, on account of simplicity, and its being less liable to confusion ; besides, it must necessarily be attended with less cost to the people.

*From the Auditor of Scott County.*

N. B.—1851 was assessed by township assessors, and cost more than any of the previous years. I suggested to Mr. English the propriety of requiring the tax payers to give their list to the auditor, between say the 1st of September and the 1st of March. In this county I could take all the townships in that way for \$50 a year. If any refused to hand in their list, let them pay the expense.

*From the Auditor of St. Joseph County.*

The impression is here, that the county system of assessing will be found the cheapest, most uniform, and give more general satisfaction. To have ten or fifteen different assessors in each county, would create, inevitably, a discordance in assessing, similar to that which prevails in the appraising of the ninety different appraisers of the State. A revenue system, to be acceptable to the people, should be as uniform as possible ; and the more the number of officers concerned in it is increased, the less uniformity there will be.

We would be glad to have the present law amended, so that it would be the assessor's duty to put the price on the following property, viz : Horses, cattle, sheep, hogs, and farming utensils, for the following reasons, viz : There is three classes of men the assessor has to deal with. Some are conscientious about the matter, and put correct prices on their property ; some are over conscientious, and for fear of being censured of swearing false, will rate their property one-fourth, one-third or one-half higher than the conscientious man, and some have no scruples about the matter, and will say to the assessor when called upon, there is a span of horses you can have for \$100 00,—there is a yoke of oxen you can have for \$30 or \$40, &c. The price being left to the owner, he very frequently puts it down to half its real value.

*From the Auditor of Steuben County.*

The assessment for the year 1851, in our county, was taken by township assessors, and for the years 1847, 1848, 1849 and 1850, by county assessors. Our assessment taken by the township assessors, was the most unequal assessment that we ever had in the county, and costing much more than by county assessor.

*From the Auditor of Tipton County.*

In regard to the assessing of personal property in this county, permit me to say that, from the year 1847 until and including the year 1850, the assessors met the tax payers at the April election, and there received a list of their taxable property, and the cost was but little. In the year 1851 the assessors visited the house of each tax payer, and the cost was more than for the four former years.

*From the Auditor of Vermillion County.*

I think there will be difficulty in getting township assessors who are competent to discharge the duties, that will be willing to leave his business in the spring season for the pay that would be given for one township, as it would furnish employment but for a short time, yet long enough to interfere seriously with his business, provided he be a farmer, and it is from that class, generally, that assessors are taken.

*From the Auditor of Vanderburgh County.*

The expense of assessing this county was twice the amount in 1851 than of any previous year. It was made by the county assessor, assisted by five deputies. The

increase in the value of personals will hardly warrant the additional expense. When we take into consideration the nature of the law of 1851, such a law would have brought out fifty per centum more personals than any previous year, with ten per centum additional time employed by the assessor. From present indications, the present assessor will assess the county within the time required by law, without much additional expense to the county above the cost of the assessment for 1850. Much depends upon the ability and habits of the assessor. A good business man will assess the county in a less time than many who obtain that office, and make a more correct and equitable assessment. I have consulted many of our business and prominent men here, and they agree with me in the opinion favoring the assessment by county assessors for economy and correctness.

### *From the Auditor of White County.*

I having had some experience in the working of our present system of assessing personal property, in a simple way will give what I think would be the best plan of assessing, taking everything into consideration.

1st. To secure equality in the assessment I would have one man to assess the county.

2d. I would swear every tax payer to answer such questions as might be asked him by the assessor relative to the various kinds and quantity, and quality of taxable property owned by him or her on a specific day.

3d. The assessor to appraise all visible property; and such property as could not conveniently be seen by him, let the owner say under oath what such property is worth.

4th. I would dispense entirely with blanks as used the past year. Beside the expense of printing, they make a delay in the assessment, taking more time to do the same business.

I think, were the Legislature to specify the various items or species of property that should be taxed, the form of the oath to be administered, and a penalty for refusing to answer such questions as propounded by the law, everything would be secured that can be, on the subject. The foregoing of course would want to be systemized and guarded. I do not, however, expect to throw new light upon the subject, but simply to give my notion of it.

It will be seen by the above extracts, that a great variety of opinions obtains among county auditors in regard to the mode of assessment of property. Most of the counties, where a system of township assessment prevails, seem to indicate *that* as the most economical, but the preponderance of sentiment is evidently opposed to it. The lowest priced services are not always the cheapest, and I am fully of the impression that this truth is particularly applicable to the case before us. The entire expense of assessment, as will be seen by the table, is a very small per centage of the taxes collected; and as this is the foundation of the whole revenue system, it should be carefully and accurately performed.

If uniformity is desirable, as far as practicable the assessment of each county should be committed to a single individual, and no more labor should be imposed upon him than he can perform himself. If deputies are required, the principal should in no case be permitted to make the appointment. This is particularly an office where the personal services of the officer cannot be dispensed with, without injury to the public interests. The deputies should therefore be men of equal capacity and fitness with the principal, and should be appointed by the county board, with territory specially assigned to them.

In an average county of from 10 to 12 thousand population, one county assessor, between the first of January and first of June, can



generally perform all the labor with ease. In larger counties it might be well, instead of appointing deputies, to divide the county into two or more assessment districts, and elect an assessor in each.

In regard to the compensation of this officer, I am satisfied it is entirely inadequate to secure the services of competent men. There is hardly a farmer or mechanic whose services are not worth more to him in his own business than the assessor's allowance; and I am well assured that if the compensation were doubled, it would in the end be more economical, and by a uniform and equitable valuation of property, remove all causes of complaint on the part of tax payers, and promote the ends of justice.

Respectfully,

E. W. H. ELLIS,

*Auditor of State.*

On motion by Mr. Buskirk,

The report was laid on the table and 150 copies ordered to be printed.

#### SENATE BILLS ON SECOND READING.

No. 47. A bill destricting the State for the election of four judges of the Supreme court.

Was read a second time.

Mr. Lindsay of Howard moved to lay the bill on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Lindsay of Howard.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Cockrum, Crawford, Dobson, Douthit, Gunn, Helmer, Holliday of Blackford, Kent, King, Leviston, Lindsay of Howard, Litchfield, Major, McDonald, Schoonover, Shanklin, Smith of Spencer, Staton, Stevens, Struble, Suit, Walker, and Mr. Speaker—25.

*Those who voted in the negative were,*

Messrs. Beane, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crim, Cromwell, Dice, Donaldson, Donham, Doughty, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hays of White, Henry, Holladay of Parke, Holman, Hostetter, Hudson, Huey, Hunt, Laverty, Lawrence, Lewis, Mayfield, McConnell, McPowell, Miller, Mudget, Nelson, Porter, Reynolds, Smith of Marion,

Stanfield, Stuart, Sumner, Sweet, Thompson, Torbet, Watson, Wells, Wilson, and Withers—51.

So the bill was not laid on the table.

Mr. Kent moved to refer the bill to the select committee on districting the State into Supreme and Judicial circuits.

And the question being put,

The ayes and noes were demanded by Messrs. Kent and Gibson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Buskirk, Crawford, Dobson, Douthit, Humphreys, Kent, Leviston, Linsday of Howard, Major, McDonald, Mudget, Nelson, Schoonover, Smith of Spencer, Struble, Suit, Sumner, and Mr. Speaker—20.

*Those who voted in the negative were,*

Messrs. Beane, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crim, Cromwell, Dice, Donaldson, Donham, Doughty, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Hunt, King, Laverty, Lawrence, Lewis, Litchfield, Mayfield, McConnell, Miller, Porter, Reynolds, Shanklin, Smith of Marion, Stanfield, Staton, Stevens, Sweet, Thompson, Torbet, Walker, Watson, Wells, Wilson, and Withers—57.

So the bill was not so referred.

The question then being put on ordering the bill to a third reading.

The ayes and noes were demanded by Messrs. Kent and Gibson.

*Those who voted in the affirmative were,*

Messrs. Beane, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cowgill, Crim, Cromwell, Dice, Donaldson, Doughty, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hays of White, Henry, Hicks, Holladay of Parke, Holman, Hostetter, Hudson, Huey, Hunt, King, Laverty, Lawrence, Lewis, Litchfield, Mayfield, Nelson, Porter, Reynolds, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Sumner, Thompson, Torbet, Watson, Wells, Wilson and Withers—50.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Buskirk, Cockrum, Crawford, Dobson, Douthit, Helmer, Holliday of Blackford, Humphreys, Kent, Leviston,

Linsday of Howard, Major, McDonald, McDowell, Mudget, Schoonover, Shanklin, Staton, Struble, Suit, Sweet, Walker, and Mr. Speaker—25.

So the bill was ordered to a third reading.

No. 48. A joint resolution asking an appropriation of Congress to erect public buildings in the city of Indianapolis;

Was read a second time.

The question being on ordering it to a third reading,

It was decided in the negative.

No. 69. A joint resolution on the subject of emigration to Oregon and the Pacific coast;

Was read a second time and ordered to a third reading.

#### HOUSE BILLS ON THIRD READING.

No. 145. A bill to provide for the election of judges of the supreme court;

Was read a third time.

The question being, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Buskirk, Chowning, Cockrum, Crawford, Dobson, Douthit, Gunn, Hart, Helmer, Holliday of Blackford, Humphreys, Kent, Leviston, Linsday of Howard, Litchfield, Major, McDonald, Mudget, Nelson, Schoonover, Shanklin, Smith of Spencer, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Walker, and Mr. Speaker—33.

*Those who voted in the negative were,*

Messrs. Beane, Behm, Bryant, Bulla, Carpenter, Cowgill, Crim, Cromwell, Dice, Donaldson, Donham, Doughty, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hays of White, Henry, Hicks, Holladay of Parke, Holman, Hostetter, Hudson, Huey, Huffstetter, Hunt, King, Laverty, Lawrence, Lewis, Mayfield, McDowell, Smith of Marion, Stanfield, Stevens, Thompson, Torbet, Watson, Wells, and Wilson—43.

So the bill did not pass.

No. 80. A bill to approximate an equalization of the labors of the judges of the first, fifth and thirteenth judicial circuits;

Was read a third time.

The question being, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrun, Cowgill, Crawford, Crim, Dice, Dobson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gookins, Goudy, Gunn, Hart, Hays of White, Helmer, Hicks, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Litchfield, Major, McConnell, McDonald, McDowell, Miller, Mudgett, Nelson, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wilson, Withers, and Mr. Speaker—70.

*Those who voted in the negative were,*

Messrs. Beane, Henry, Holladay of Parke, and Wells—4.

So the bill passed.

On motion by Mr. Holman,

The preamble and title were amended so as to correspond with the body of the bill.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Dunn, their Secretary :

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 70. A bill providing for the colonization of negroes and mulattoes, and their descendants, —constituting a State Board of Colonization, —declaring the duties of said Board, and State Treasurer and county treasurers in relation thereto;

In which the concurrence of the House is respectfully requested.

Bill No. 70, contained in the foregoing message,

Was read a first time and ordered to a second reading.

Mr. Carpenter, in pursuance of previous notice, obtained leave and introduced

No. 154. A bill to authorize cities of five thousand inhabitants, and more, to borrow money,—issue their bonds, purchase and build wharves, erect public buildings for the use of their cities; purchase grounds, furnish lights and water for their cities, either by companies or independent; take or purchase stock in the same, and take stock in turnpike, plank or rail roads leading to their respective cities, on petition of two-thirds of the resident freeholders thereof.

Mr. Stuart, in pursuance of previous notice, obtained leave and introduced

No. 153. A bill to establish courts of common pleas, and defining the jurisdiction and duties of the judges thereof;

Which was read a first time, and passed to a second reading.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The committee on Enrolled bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and find the same correctly enrolled :

No. 34. An act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals.

No. 64. An act to establish public libraries.

Whereupon, the Speaker signed the same.

Ordered, that the clerk inform the Senate thereof.

Mr. Suit, from the committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The committee on Engrossed Bills have examined engrossed bill of the House No. 152, and find the same correctly engrossed.

On motion by Mr. Stover,

Senate bill No. 33. A bill to prohibit the making distress for rent by warrant;

Was taken from the table and referred to a select committee of three.

Messrs. Stover, Suit and Kent were appointed said committee.

Mr. Buskirk moved that when this House adjourn, it adjourn to meet on Monday morning, 9 o'clock.

Which motion prevailed.

A message from the Senate by Mr. Dunn their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has refused to concur in the engrossed amendments of the House to Senate bill No. 80, entitled "A bill to approximate an equalization of the labors of the first, fifth and thirteenth judicial circuits.

Mr. Holman moved that the House insist on its amendment to Senate bill No. 80, contained in the foregoing message.

And the question being put,

The ayes and noes were demanded by Messrs. Holman and Buskirk.

*Those who voted in the affirmative were,*

Messrs. Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Crim, Dice, Dobson, Donaldson, Gookins, Graham, Gunn, Hart, Hays of White, Henry, Holman, Hostetter, Huey, Humphreys, Hunt, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Mayfield, McDowell, Miller, Nelson, Porter, Reynolds, Shanklin, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Suit, Sumner, Sweet, Thompson, Torbet, Watson, Wells, Wilson, and Withers—50.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Brady, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Hays of White, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Hudson, King, Laverty, McConnell, Mudgett, Schoonover, Smith of Marion, Staton, Stuart, Walker, and Mr. Speaker—26.

So the House insisted on its amendment.

Ordered that the clerk inform the Senate thereof.

On motion by Mr. Stanfield,

Bill No. 79. A bill authorizing the construction of plank, McAd-amized and gravel roads;

Was taken from the table.

The question being on the motion of Mr. Stover to reconsider the vote by which the following amendment of Mr. Manson to the instructions of Mr. Owen was lost, viz.:

Recommit with instructions to incorporate a provision to prevent all plank roads from erecting any toll gate within one mile of the corporate limits of any incorporated town, and that where any toll gate has been so erected, the company erecting the same shall be compelled to move the same.

Which was not agreed to.

The question then recurred on committing the bill with the following instructions of Mr. Owen, viz:

That the bill be recommitted to the committee on Corporations, with instructions to provide a graded rate of pontage on all bridges of more than 50 feet span that may occur on any plank road.

And the question being put,

It was decided in the negative.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Beane, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Doughty, Eccles, Geddes, Gibson, Gookins, Goudy, Graham, Hays of White, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, McConnell, McDonald, McDowell, Miller, Nelson, Reynolds, Schoonover, Shanklin, Smith of Spencer, Stanfield, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Walker, Watson, Wilson, and Withers—53.

*Those who voted in the negative were,*

Messrs. Barker, Cockrum, Donham, Douthit, Foster, Gunn, Hart, Helmer, Henry, Huffstetter, Hunt, King, Major, Mayfield, Mudgett, Porter, Smith of Marion, Staton, Stover, Torbet, Wells, and Mr. Speaker—22.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Doughty,

Leave of absence was granted to Mr. McAllister, on account of sickness.

On motion by Mr. Hudson,  
 Leave of absence was granted Mr. Taggart, on account of sickness.

On motion by Mr. Withers,  
 Leave of absence was granted Mr. Hanna, on account of sickness.

On motion by Mr. Donaldson,  
 The House adjourned until Monday morning at 9 o'clock.

MONDAY MORNING, 9 o'clock, }  
 February 16, 1852. }

The House met.

The Journal of the preceding day was read.

#### PETITIONS, &c. PRESENTED.

The Speaker laid before the House the temperance memorial of sundry citizens of Lagrange county;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Lawrence:

Two temperance memorials of sundry citizens of this State;

Which,

On motion,

Were referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Buskirk, chairman of the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means to whom was referred House



bill No. 40, "an act to regulate the vending of clocks," have had the same under consideration, and have directed me to report the same back without amendment and recommend its passage.

The bill contained in the foregoing report, was ordered to be engrossed.

Mr. Buskirk from a select committee made the following report :

MR. SPEAKER :

The select committee to whom was referred sundry petitions praying and resolutions instructing them to report a bill providing for a re-valuation of the real estate, and the establishment of a State Board of the Equalization, have directed me to report accompanying resolution, and ask to be discharged from the further consideration of the subject :

*Resolved*, That the committee on Ways and Means be required to report to this House a bill requiring a re-valuation of the real estate of this State, and that they further present to this House a bill creating a State Board to equalize the assessment made by such re-valuation, with such other conditions as to the committee, shall seem fit and proper.

Mr. Eccles moved to lay the resolution on the table.

Which motion did not prevail.

Mr. Sumner submitted the following amendment to the resolution :

Strike out from the resolving clause and insert the following—

"That the committee on Ways and Means be, and are hereby instructed, to report a bill organizing a State Board of Equalization, which board shall consist of one member from each congressional district.

Which was not agreed to.

Mr. Hart called a division of the question.

Mr. McDonald moved to lay the first branch of the resolution on the table,

And the question being put :

The ayes and noes were demanded by Messrs. McDonald and Doughty.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Behm, Brady, Bulla, Buskirk, Chowning, Cockrum, Crawford, Crim, Dice, Dobson, Donaldson, Eccles, English, Foster, Geddes, Gibson, Goudy, Graham, Hays of White, Hel-

mer, Hicks, Henry, Holladay of Parke, Holman, Hostetter, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Mayfield, McConnell, Miller, Mudget, Nelson, Reynolds, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Stuart, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Wilson and Withers—61.

*Those who voted in the negative were,*

Messrs. Beane, Bryant, Carpenter, Cowgill, Cromwell, Donham, Doughty, Douthit, Gookins, Gunn, Hart, Holliday of Blackford, Hudson, Lavery, McDonald, McDowell, Porter, Schoonover, Smith of Marion, Stover and Suit—21.

So the first part of the resolution was laid on the table.

Mr. English moved to lay the second branch of the resolution on the table.

The question being put,

The ayes and noes were demanded by Messrs. English and Holman.

*Those who voted in the affirmative were,*

Messrs. Barker, Crim, Dobson, Eccles, English, Gibson, Goudy, Graham, Hart, Hays of White, Hostetter, Hudson, Huffstetter, Humphreys, Hunt, McDonald, McDowell, Reynolds, Schoonover, Smith of Spencer, Stevens, Sumner, and Wilson—23.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Cromwell, Dice, Donaldson, Donham, Doughty, Douthit, Foster, Geddes, Gookins, Gunn, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Huey, King, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Mayfield, McConnell, Miller, Mudget, Nelson, Porter, Shanklin, Smith of Marion, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sweet, Thompson, Torbet, Walker, Watson, Wells, and Withers—57.

So the second branch of the resolution was not laid on the table.

Mr. Holman offered the following amendment to the second part of the resolution:

Who shall equalize the appraisment of real estate made for taxation in the year 1851.

Mr. Donaldson offered the following amendment to the amendment of Mr. Holman:

And also provide for an effectual equalization between the townships of each county through the Board of County Commissioners.

Which was accepted by Mr. Holman.

The question then being on the adoption of the amendment of Mr. Holman.

And being put,

The ayes and noes were demanded by Messrs. Holman and Donaldson.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Dice, Donaldson, Donham, Doughty, Douthit, Gookins, Graham, Gunn, Hart, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Huey, Humphreys, Hunt, Lavery, Lawrence, Lewis, Lindsay of Howard, Major, Mudget, Nelson, Schoonover, Shanklin, Smith of Marion, Stanfield, Stuart, Suit, Sweet, Thompson, Torbet, Watson, Wells, and Withers—49.

*Those who voted in the negative were,*

Messrs. Barker, Chowning, Crim, Dobson, Eccles, English, Foster, Gibson, Goudy, Hays of White, Hostetter, Hudson, Huffstetter, King, Leviston, Litchfield, Marrs, Mayfield, McDonald, McDowell, Miller, Reynolds, Smith of Spencer, Staton, Stevens, Stover, Sumner, Walker, Wilson, and Mr. Speaker—30.

So the amendment was adopted.

The question then recurred on the adoption of the resolution, when The ayes and noes were demanded by Messrs. Doughty and Donaldson.

*Those who voted in the affirmative were,*

Messrs. Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Geddes, Gookins, Gunn, Hart, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hudson, Huey, King, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Major, Mayfield, Mudget, Nelson, Shanklin, Smith of Marion, Stanfield, Stevens, Struble, Stuart, Suit, Sweet, Thompson, Torbet, Walker, Watson, Wells, and Withers—54.

*Those who voted in the negative were,*

Messrs. Barker, Chowning, Crim, Eccles, English, Foster, Gibson, Goudy, Graham, Hays of White, Hostetter, Huffstetter, Humphreys, Hunt, Litchfield, Marrs, McDonald, McDowell, Miller, Porter, Schoonover, Smith of Spencer, Staton, Sumner, Wilson, and Mr. Speaker—26.

So the resolution was adopted.

By unanimous consent of the House,

Mr. McDonald, chairman of the committee on Commerce and Manufactures, made the following report :

MR. SPEAKER :

The committee on Commerce and Manufactures, to whom was referred joint resolution of the House No. 24—entitled a joint resolution on the subject of a ship canal around the Rapids of the St. Mary's river, connecting Lake Superior with the other Lakes—have had the same under consideration, and a majority thereof have directed me to report the same back to the House, and recommend its passage, for the reason that they believe the construction of such canal would be a work of national importance, opening a continuous line of water communication, from Lake Superior to the Gulf of Mexico, and the Atlantic Ocean, south and eastward through the Northern Lakes, Erie Canal, and the Hudson River to the Atlantic Ocean, thereby rendering the highway, from and to the extensive copper mines and vast forests of valuable timber of the region surrounding Lake Superior, a safe and expeditious route for the carriage of all kinds of merchandize and produce required at the different points on the shores of Lake Superior, which are yearly increasing in importance, as markets for the sale and consumption of the surplus beef, pork, flour, and corn of the Western States, and the manufactures of the Eastern States, and sugars, molasses, and tobacco of the Southern States; thereby producing a union of interests tending directly and forcibly to cement the Union firmly and lastingly, with the only kind of cement that will ever bind any union of States—a union of interests.

The joint resolution contained in the foregoing report was ordered to be engrossed.

On motion by Mr. Smith of Spencer,

The petition of sundry citizens of Perry and Spencer counties relative to the formation of a new county ;

Was taken from the table, and referred to the committee on the Judiciary.

## RESOLUTIONS OF THE HOUSE.

Mr. Withers offered the following resolution :

*Resolved*, That the committee on Printing be instructed to have 1500 copies of the Auditor's Report printed in the German language for the use of this House.

The question being put on its adoption,

The ayes and noes were demanded by Messrs. Kent and Withers.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Bulla, Crawford, Doughty, Gibson, Graham, Gunn, Hart, Hays of White, Henry, Hicks, Holliday of Blackford, Holman, Huey, Kent, King, Lavery, Litchfield, Major, McDonald, McDowell, Nelson, Porter, Reynolds, Smith of Marion, Smith of Spencer, Stanfield, Stover, Struble, Stuart, Sweet, Torbet, and Withers—36.

*Those who voted in the negative were,*

Messrs. Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crim, Cromwell, Dice, Dobson, Donaldson, Donham, Douthit, Eccles, English, Foster, Geddes, Gookins, Goudy, Helmer, Holladay of Parke, Hostetter, Hudson, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lewis, Lindsay of Howard, Marrs, Mayfield, Schoonover, Shanklin, Staton, Stevens, Suit, Sumner, Thompson, Watson, Wells, Wilson, and Mr. Speaker—44.

So the resolution was not adopted.

Mr. Barker offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of printing a portion of the laws of the present session in the German language, and report by bill or otherwise.

The question being put on its adoption,

The ayes and noes were demanded by Messrs. Barker and Graham.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Crawford, Cromwell, Dice, Donaldson, Doughty, Douthit, English, Gibson, Gookins, Graham, Hart, Hays of White, Henry, Hicks, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Humphreys, Kent, Laverty, Lindsay of Howard, Litchfield, Marrs, McConnell, McDonald, McDowell, Nelson, Porter, Reynolds, Smith of Marion, Smith of Spencer, Stevens, Stover, Struble, Stuart, Sweet, Torbet, Walker, and Withers—48.

*Those who voted in the negative were,*

Messrs. Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crim, Dobson, Eccles, Foster, Geddes, Goudy, Gunn, Helmer, Holladay of Parke, Huffstetter, Hunt, King, Lawrence, Leviston, Lewis, Major, Mayfield, Schoonover, Shanklin, Staton, Suit, Sumner, Thompson, Watson, Wells, Wilson and Mr. Speaker—32.

So the resolution was agreed to.

On motion by Mr. Hicks,

*Resolved*, That the committee on the Judiciary be instructed to inquire and report to this House whether or not the law exempting one hundred and twenty-five dollars of personal property from levy and sale under execution, will continue in force after the taking effect of the law passed by this General Assembly exempting three hundred dollars worth of property from sale under execution.

Mr. McDonald, in pursuance of previous notice, obtained leave and introduced

No. 155. A bill to provide for the regulation of the running at large of all kinds of animals within the different townships in the different counties of the State, and to provide for the taking up, impounding and selling of all such animals as shall not be allowed by law to run at large.

Which was read a first time and passed to a second reading.

On motion by Mr. Gibson,

House bill No. 102. A bill regulating the licensing of pilots at the falls of the Ohio, requiring bond and security of such pilots; prohibiting any unlicensed person from acting as such pilot, &c.

Was taken from the table.

The question pending being on the motion of Mr. Holman to commit the bill to the Judiciary committee, with instructions,  
Mr. King submitted the following amendment to the instructions

Also, give the appointment of pilots to the Governor, on the recommendation of the council or board of trustees of any incorporated city or town in this State, on the Ohio River.  
Which was accepted by Mr. Holman.

Mr. Holman offered the following amendment to his instructions:

Also, give the appointment of the pilots to the chief executive of the State.  
Which he accepted.

The question then being put on recommitting the bill with the instructions to the Judiciary committee,  
The ayes and noes were demanded by Messrs. Holman and Gibson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Beach, Behm, Bulla, Buskirk, Chowning, Cowgill, Crawford, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Gookins, Hart, Holladay of Parke, Holliday of Blackford, Holman, Hudson, Huey, Humphreys, Hunt, Kent, King, Lawrence, Leviston, Major, Marrs, McConnell, Miller, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Sweet, Thompson, Torbet, Watson, Wells, Wilson, and Withers—50.

*Those who voted in the negative were,*

Messrs. Brady, Bryant, Carpenter, Cockrum, Eccles, Foster, Gibson, Graham, Gunn, Hays of White, Helmer, Henry, Hicks, Hostetter, Huffstetter, Lavery, Lewis, Litchfield, Mayfield, McDonald, McDowell, Nelson, Suit, Sumner, Walker, and Mr. Speaker—26.

So the bill was so committed with the instructions:

The Speaker laid before the House the following communication and report from the Governor:

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives:*

SIR:—You will please lay before the House of Representatives the enclosed report of the State Board of Agriculture, and oblige,

Yours, &c.,

JOSEPH A. WRIGHT.

INDIANAPOLIS, FEBRUARY, 1852.

*To the General Assembly of the State of Indiana:*

In obedience to the requisitions of the law creating the State Board of Agriculture, the undersigned respectfully presents the first annual report of that Board.

I have the honor to be,

Your obedient servant,

JOSEPH A. WRIGHT,

*President of the Indiana State Board of Agriculture.*

The State Board of Agriculture was organized on the 27th of May last. The proceedings and expenses of the May and January sessions are herewith attached.

The wisdom of the law of the last session is made most manifest in the number of county societies that have organized under that law. More than thirty counties have adopted an organization, and twenty interesting reports are herewith submitted. Your special attention is called to the very full and highly interesting reports from the counties of Monroe, Elkhart, Tippecanoe, Wayne, &c.

It is very remarkable that a pursuit in which more than four-fifths of our population are engaged, should have remained so long without that spirit of emulation which the meeting of county and State Fairs are so well calculated to bring about.

Agriculture, as an art, has been practiced from the remotest period; but the developments of this day and age are showing the application of science to every pursuit in which man labors.

The public mind seems now to have waked up to the realization of something practical; and each man asks for himself the *best system*, the *best mode*, the *best manner* of reaping the reward for the labor bestowed upon the earth, or in the making of those articles that are found necessary for his comfort and condition in life.



In receiving an answer to these questions, men are now willing to exchange views and opinions with their neighbors. They are willing, yea anxious, to examine and look for themselves upon the labor and machinery, and productions of the earth, to have the full history of all that is around them.

The annual products of the labor expended upon the soil, added to the productions of mechanical and other useful kinds of labor, constitute the real wealth of a State.

There is no State in our widely extended Union so well situated as is Indiana, for an advantageous application of agricultural labor and skill. The general fertility of the soil, the varied but temperate climate, are highly favorable to an abundant production of those staples, which are essential to supply the constantly increasing demand of the home market, and for which there is generally a very large foreign demand at fair prices.

It may be justly said, that a large increase of the amount of the aggregate wealth of a State will certainly follow the formation and organization of State and county agricultural associations.

The adoption of any system, that will make labor more *attractive*, that shall enlist the heart and energy of the people in the full development of their resources, will add to the aggregate wealth of any community. Yet such an increase of wealth is not, by any means, to be regarded as the most important and beneficial results growing out of such associations.

One of the great practical results that is to follow from a regular system of county and State associations, will be that of causing our people to change and diversify more their labor and pursuits.

This diversity will not be confined alone to the mere change of labor from agriculture to mechanics, but various changes in the various kind of agricultural pursuits.

Our true policy as a State is to be, as far as practicable, independent, *to look more at home and less abroad for the elements of prosperity*. We should establish and sustain that policy, that will develop all our resources, and thereby advance the true interests of the State. This is a work that calls loudly for the exercise of all the influence of our public men, as well as our private citizens. And I would enumerate among the most important movements in this work, that system of legislation that will build up State interest, State pride, and if you please, State ambition. We may rest assured that true, substantial wealth will be found in the labor around us, of the husbandman, mechanic and manufacturer.

Through the operations of a thorough system of organization over the State, the Board will be able to collect, not only general, but particular and reliable information concerning the different soils of the State, the kind of agricultural labor that pays best, what articles are best adapted to such a soil and climate, the stock most in demand in the market, the various productions of each county in the State, different modes of farming by the best practical farmers, ex-

periments on different soils with various crops, redeeming wet and swamp lands, the mode and system adopted, stock raising, ditchings, barns, stables, smook-houses, wells, springs, spring-houses, modes of supplying stock water, &c., &c.

In view of the great quantity of wet and swamp lands in the State, and the different modes adopted to redeem them, the Board have determined to offer a premium, at the anticipated State Fair, for the best essay on this subject. In this we expect to be able to present, in the next annual report, some valuable suggestions on the subject of draining and ditching the large quantity of wet lands in this State.

In offering this premium, and others, such as that for the best model of a country residence, out-houses, barns, &c.; the best essay on rendering available and profitable our hilly and broken lands; in all these the board seek to accomplish what is always desirable, the saving of time and toil by means of the most judicious, skilful and approved application of labor to any given pursuit.

There is believed to be just cause of complaint in many parts of the State, from the running at large of male stock of various kinds. The wanton and malicious destruction of trees, shrubs, flowers, vines, &c., has been brought to the attention of the Board. In connection with these subjects, the Board is impressed with the importance of providing by law some sure remedy for the destruction of sheep by dogs. This useful and profitable animal, in many parts of the State, has been entirely destroyed in this way. On all these subjects, it is believed by your Board that efficient and stringent laws are called for by the best interest of society.

It is suggested that the general use of Stone coal demands the providing by law of some fixed and certain weight for the legal bushel of coal.

There are other articles that should receive a definite and precise weight by law. I herewith attach the weight per bushel to the following articles, as recognized and established in some of the States. They are worthy of your consideration.

Of wheat.....	60 pounds.
Of shelled corn.....	56 pounds.
Of corn in the cob.....	72 pounds.
Of rye.....	56 pounds.
Of oats.....	35 pounds.
Of barley.....	48 pounds.
Of potatoes.....	60 pounds.
Of beans.....	60 pounds.
Of cloverseed.....	60 pounds.
Of flaxseed.....	56 pounds.
Of hempseed.....	44 pounds.
Of Buckwheat.....	52 pounds.
Of blue grass seed.....	14 pounds.

Of castor beans .....	46 pounds.
Of dried peaches .....	33 pounds.
Of dried apples.....	25 pounds.
Of onions .....	57 pounds.
Of salt.....	50 pounds.
Of mineral coal .....	70 pounds.

It is to be regretted that, so far, no means have been devised for obtaining full statistical information of each county. We should obtain by our own officers accurate annual statistical details of the great agricultural, mechanical, and manufacturing industrial products of the State. Without this information, no representative is prepared to discharge his duties faithfully to those he represents.

We believe, under a perfect organization of county agricultural societies, such as is contemplated by the State Board, we shall be able to furnish a considerable amount of information touching the industrial products of the State.

In this report, the first under the sanction of the State, some considerable information is furnished on this subject.

It would be an interesting table to lay before the Legislature, and through them to the people, the entire surplus of Indiana the past year. The estimates in some of the counties are very large; in the county of Laporte amounting to four hundred thousand dollars; and yet we doubt not the surplus of other counties exceeds this amount.

The surplus of the State has been estimated by many the past year at from twenty to twenty-five millions.

By the census of 1850, we are able to arrive at the fact, that nearly eight-tenths of what we purchase out of the State is the labor and production of our sister States. And we may safely assert that more than one-half of this amount is the product of the labor and skill of other States not as favorably situated for mechanical and manufacturing labor as our own. In those essential combinations for successful mechanical and manufacturing labor, such as iron, coal, soil, water-power, marble, stone-quarries, timber, &c., Indiana has no equal in the Union. Yet the iron, coal and minerals of our State are taken abroad, and successfully used, to profit, by the labor of others.

We seem to be anxious to exhaust our forests of walnut and cherry, that the mechanics of other States may reap the reward thereon.

The bringing together the mechanics of our own and other States, in county and State fairs among us, with the best specimens of their skill and labor, is well calculated to foster and encourage the mechanical labor of the country.

The great advantages that result from the assembling of farmers, mechanics and manufacturers in associations in which the productions of their skill and labor are exhibited, consist in a free inter-

change of views and opinions. You thereby stimulate industry, bring together the most distinguished mechanics of the State, with not only the work of their brain and hands; but they come together to inquire into the wants of the country, that they may return to their workshops to perfect the inventions that have been suggested by these means. The manufacturer exhibits the result of his inventions and labor—the farmer, the mode, process and improvements of the farm, The trials, tests and experiments that are thus exhibited will create a spirit of rivalry well calculated to develop the resources of the country, well adapted to show the real wants of the people, and the prospects and means of supplying those wants. In this way every branch of industry is made better acquainted with the mutual wants and dependency of each; and in this laudable spirit of emulation the country marches forward in real and substantial improvement in the true road to wealth.

A very considerable sum of money is paid abroad by our people, for stock, implements and productions of other States, the most of which will be saved in a few years by these associations.

You have in this the first report under the law of last session, the best evidence that can be offered of the wisdom of these associations.

You appropriated one thousand dollars to the use of the Board at the last session, only five hundred dollars of that sum has been expended. There have been two sessions of the Board during the past year. Hereafter there will be but one annually, so that the expenses of the State Board will not exceed the sum of two hundred and fifty dollars per year. We respectfully ask your honorable body to appropriate the sum of two thousand dollars for the use of the Board this year. It is contemplated by the Board to hold a State Fair at some point in the State the ensuing fall, and to pay out the sum of at least twenty-five hundred dollars in premiums. The State would loose nothing if no part of this expenditure was refunded. The great stimulus given to the various branches of industry, the increase of property thereby subject to taxation will more than four fold repay the State. Yet your Board has no hesitation in saying that by the proceeds of the contemplated State Fair, we shall be able to refund into the State Treasury, every cent advanced, with a surplus to commence operations for the ensuing year.

The Board herewith append their circular issued at the first meeting, together with the entire proceedings of the two sessions.

We respectfully ask that not less than three thousand copies of this report be published. We desire to furnish a certain number of these reports to each of the county societies in the State that they may be used as premiums at the county fairs.

We shall exchange several hundred copies with our sister States, that we may have their reports in exchange therefor, which we design to give out as premiums at our State Fair. In this way we hope to be able to communicate the knowledge and information of

our sister States, in the various branches of industry to every county and as near as possible to each citizen of our State. There are so few returns, in detail, from county societies, that it is not thought necessary in this report to take up the leading articles of the State, such as corn, wheat, cattle, hogs, sheep, oats, hay, &c.

Whenever the organization is made general and uniform throughout the State, the Board will be able to offer such suggestions as to the leading articles of the country, as it is believed will be useful to the full development of the resources of the State in agriculture, mechanics and manufactures.

In comparison with our sister States, this report will compare favorably with their first efforts.

In one of the adjoining States, their first report did not exceed sixty pages. This will exceed two hundred, and we believe equals the report of any of the States in the Union, in their first efforts to furnish information upon their leading industrial productions.

There is a manifest spirit of improvement abroad in our State. We doubt not your honorable body will aid and further on, by all the means within your reach, this great movement of rivalry—this work of competition—this spirit of emulation. By this means Indiana may soon stand not the fourth or fifth State in the Union, but in the elements of true substantial wealth the very first.

JOSEPH A. WRIGHT,  
*President of the Board.*

*February 14, 1852.*

*Items of Expenses of the State Board of Agriculture, May Session, 1851.*

R. Willard, Delegate, expenses alone.....	\$29 00
John B. Kelley, " " " .....	25 00
John Ratliff, " " " .....	12 75
J. McBride, " " " .....	9 25
D. P. Holloway, " " " .....	14 00
G. W. Brown, " " " .....	12 00
Jacob R. Harris, " " " .....	15 00
Samuel Emison, " " " .....	23 00
George Hussey, " " " .....	7 50
T. W. Swinney, " " " .....	34 00
J. P. Chapman, for printing.....	64 64
	<hr/>
	\$246 14

*January Session, 1852.*

John Ratliff, Delegate, expenses alone.....	\$14 00
Jacob R. Harris, " " " .....	15 00
J. McBride, " " " .....	21 00
E. Singer, " " " .....	5 50
W. C. Donaldson, " " " .....	8 00
John W. Grubbs, " " " .....	5 00
J. Morgan, " " " .....	8 25
G. W. Brown, " " " .....	10 00
Geo. K. Steel, " " " .....	8 00
Thos. Dunham, 1st " " " .....	8 25
Chas. M. Stone, " " " .....	10 25
John Hall, " " " .....	15 00
John Levering, " " " .....	12 00
T. W. Swinney, " " " .....	34 00
W. T. Dennis, " " " .....	12 00
C. L. Murray, " " " .....	18 00
Joseph Orr, " " " .....	19 00
William Allen, " " " .....	19 00
John B. Dillon, Secretary.....	50 00

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\$292 25

Total expenditure to date..... \$538 39

Witness my hand this 27th January, 1852.

E. W. H. ELLIS,  
*Auditor of State.*

Mr. Donaldson moved to lay the report on the table and print 300 copies.

Which motion did not prevail.

On motion by Mr. Nelson,

The communication and report were referred to the committee on Agriculture.

A message from the Senate, by Mr. Dunn, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate insist upon their disagreement to engrossed amendments of the House to engrossed bill of the Senate No. 80, entitled "A bill to approximate an equalization of the labors of the judges of the first, fifth and thirteenth judicial circuits," and have appointed Messrs. Secrest and Berry a committee of free conference to act with a similar committee on the part of the House.

On motion,

Messrs. Holman and Gibson were appointed a committee of free conference on the part of the House on bill No. 80, contained in the foregoing message.

Ordered that the Clerk inform the Senate thereof.

Mr. Stevens, under the rule, gave notice of a motion for leave to introduce a bill to regulate interest.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 153. A bill to establish courts of common pleas, and defining the jurisdiction and duties of the judges thereof.

By unanimous consent, at the suggestion of Mr. Stuart, the bill was laid on the table.

No. 154. A bill to authorize cities of five thousand inhabitants and more, to borrow money, issue their bonds, purchase and build wharves, erect public buildings for the use of their cities, purchase grounds, furnish lights and water, either by companies or independent, take or purchase stock in the same, and take stock in turnpike, plank or railroads, leading to their respective cities, on petition of two-thirds of the resident inhabitants thereof.

Was read a second time and ordered to be engrossed.

Mr. McConnell moved the House adjourn.

Which motion did not prevail.

On motion by Mr. Foster,

The vote by which the House ordered bill No. 154 to be engrossed, was reconsidered.

Mr. Foster moved to refer the bill to the Judiciary committee.

Mr. Holman moved to amend the motion by adding the following instructions:

“Whenever any addition has been or shall hereafter be made to any incorporated town or city, and the plat thereof duly recorded, the same be deemed and taken as a part of such corporation for all purposes whatever, as fully as if such addition had been embraced within such corporation.”

Mr. Kent moved to amend the instructions by inserting in the proper place, “contiguous territory.”

Which was accepted by Mr. Holman.

The bill was then referred with the instructions.

The Speaker laid before the House the following communication and the accompanying documents in relation to the swamp lands.

EXECUTIVE DEPARTMENT, }  
INDIANAPOLIS, Feb. 16, 1852. }

HON. JOHN W. DAVIS,  
*Speaker of the House of Representatives:*

SIR—You will please lay before the House of Representatives the inclosed message, and communication from the general land office, on the subject of the wet and swamp lands of the State.

Very respectfully yours, &c.,  
JOSEPH A. WRIGHT.

EXECUTIVE DEPARTMENT, }  
INDIANAPOLIS, Feb. 16th, 1852. }

*Gentlemen of the House of Representatives:*

I inclose you a communication from the commissioner of the general land office, on the subject of swamp and wet lands.

It will be seen that the department recognizes the right of the State to the proceeds of all the lands that come within the meaning of the act of Congress on the day of its passage. This is the view that was taken of the law by the undersigned in his correspondence with the land office in December, 1850.

This view of the subject will give the State, in addition to the selections heretofore made, some twenty thousand dollars in money, or other lands in lieu thereof.

It is to be regretted that the land office at Washington is delaying the making of Patents to the State for these lands, on account of information received from individuals that certain tracts of lands selected are not within the meaning of the act of Congress of September 28, 1850. You will find by the inclosed correspondence that it is extremely doubtful at what time the State may expect patents for these lands. It will be months, perhaps a year, before the whole of the selections are patented. No effort will be spared by the undersigned to complete this grant to the State as soon as possible.

Respectfully yours, &c.,  
JOSEPH A. WRIGHT.



GENERAL LAND OFFICE, }  
FEBRUARY 6, 1852. }

SIR—Your letter of the 26th ultimo, with the maps and lists of the swamp lands in the Crawfordsville and Fort Wayne districts, and the map of the Jeffersonville district therewith enclosed, has been received. You express a desire that the examination of all the districts in your State may be completed by the first of March, and patents issued by the first of April next. In reply, I have the honor to state that the Secretary of the Interior has recently made a decision in relation to the selection of swamp lands, which reverses a portion of the instructions formerly placed upon the act of 28th September, 1850, making the grant, and which will necessarily delay the speedy adjustment of the grant heretofore contemplated. I herewith enclose you a copy of that decision.

Under this decision, you will perceive that the State is entitled to all lands that were sold and located subsequently to the passage of the act, provided they are *actually swamp and overflowed lands*, within the meaning of the act. Persons, however, who have purchased and located lands of this character since the passage of this act, have thereby acquired rights which entitle them to be heard. It would be very unjust, under the circumstances, to cancel the sale and locations thus made, on *ex parte* evidence. In order, therefore, to dispose of all cases in this condition, equitably and justly, some further evidence must be furnished to enable this office to determine the character of the lands, as to whether they are really *swamp* lands or not. Instructions for this purpose will be issued at the earliest possible period.

In the Crawfordsville district, these confictions only embrace an area of about 1,600 acres; in some of the other districts the quantity thus involved will be much greater.

I regret to state that this office is receiving letters almost daily, stating, in positive terms, that many of the lands reported as swamp lands, are not of that character, in nearly every State,—and Indiana is not an exception. Although so much unacquainted with the character of many of the persons so advising this office, that implicit confidence cannot be placed in what they state, yet this fact, together with the fact that the greater portion of the sales and locations, conflicting with these selections, are made in the smallest subdivisions, (tending, strongly, to establish the belief that the lands are purchased and located for agricultural purposes, and not on speculation,) so much doubt is thrown upon the character of these sections generally, that I have, in several instances, instructed the proper Registers to investigate the matter fully, and report the evidence to this office with as little delay as possible. One of these instances is in the Crawfordsville district, in your own State; and as soon as the result is made known to this office, you will be promptly advised.

If it were not for the difficulties before suggested, I would at once, under the Secretary's late decision, submit the lists embracing the vacant lands, to him for his approval, with a request that he direct patents to be issued; but in view of these facts, and in view of a proper and faithful discharge of the duties connected with the public service under my supervision, I cannot consistently recommend a course that would be so detrimental to the interests of the United States, and, as I conceive, so contrary to the spirit and meaning of the law making the grant. These lists will therefore have to remain suspended until all these difficulties are satisfactorily adjusted.

I have the honor to be,

Very Respectfully,

Your ob't. serv't.,

J. BUTTERFIELD,

*Commissioner.*

On motion by Mr. Stuart,

The communication and the accompanying documents were laid on the table and ordered to be printed.

On motion by Mr. McConnell,

The House adjourned.

2 o'clock, P. M.

The House met.

#### ORDERS OF THE DAY RESUMED.

*Senate bills on second reading.*

No. 70. A bill providing for the colonization of negroes and mulattoes and their descendants, constituting a State Board of Colonization, declaring the duties of said Board and State Treasurer and county treasurers in relation thereto;

Was read a second time and ordered to be engrossed.

On motion by Mr. Schoonover,

The vote by which the House ordered Senate bill No. 70 to be engrossed, was reconsidered.

Mr. Schoonover submitted the following amendment:

Amend by adding—

SEC. —. Every person who shall permit any negro or mulatto, not an inhabitant of this State on the first day of November, one thousand eight hundred and fifty-one, to reside in any house or on any land within this State, then the property of such citizen, shall, upon conviction thereof in any court of competent jurisdiction, be fined in the sum of fifty dollars for each negro or mulatto so permitted to reside, which fine when collected shall constitute a part of the State colonization fund.

On motion by Mr. Holman,

The bill and amendments were referred to the committee on the Rights and Privileges of the Inhabitants of this State.

#### HOUSE BILLS ON THIRD READING.

No. 152. A bill authorizing the State Librarian to contract for re-covering the State House with a patent roof of the Boston sheet paper; also for the repainting of the outside wood-work, and the necessary plastering of the same;

Was read a third time.

On motion by Mr. Hudson,

The bill was recommitted to the committee on Public Buildings, with instructions to strike out "Boston sheet paper," and insert "tin."

On motion by Mr. Graham,

A call of the House was ordered.

The clerk proceeded to the call, when the following members answered to their names, to-wit:

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Cromwell, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Gibson, Gookins, Goudy, Graham, Gunn, Hart, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Kent, Laverty, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McConnell, McDonald, McDowell, Miller, Morris, Nelson, Porter, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—78.

Mr. Withers moved to suspend the further call of the House; Which motion did not prevail.

On motion by Mr. McDonald,

Leave of absence was granted Mr. Harrison, on account of sickness.

On motion by Mr. Stover,  
Leave of absence was granted Mr. Manson on account of sickness.

On motion by Mr. Buskirk,  
The absentees were set for, viz:  
Messrs. Hays of White, King, Mudget, and Shanklin.  
The Door-keeper, in pursuance of the order of the House, brought the absentees within the bar.

When,

On motion by Mr. Withers,  
A further call of the House was suspended.

#### SENATE BILLS ON THIRD READING.

No. 47. A bill districting the State for the election of four judges of the supreme court;  
Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Beane, Behm, Brady, Bryant, Bulla, Carpenter, Cowgill, Crawford, Crim, Cromwell, Dice, Donaldson, Donham, Doughty, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hays of White, Henry, Holladay of Parke, Holman, Hostetter, Hudson, Huey, Hunt, King, Laverty, Lewis, Litchfield, Marrs, Mayfield, McDonald, McDowell, Nelson, Porter, Smith of Marion, Stanfield, Stover, Stuart, Torbet, Wells, and Wilson—46.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Buskirk, Chowning, Cockrum, Dobson, Douthit, Gunn, Hart, Helmer, Hicks, Holliday of Blackford, Humphreys, Kent, Lawrence, Leviston, Lindsay of Howard, Major, McConnell, Miller, Morris, Mudget, Reynolds, Schoonover, Shanklin, Smith of Spencer, Staton, Struble, Suit, Sumner, Sweet, Thompson, Walker, Watson, Withers, and Mr. Speaker—36.

So the bill did not pass.

No. 69. A joint resolution on the subject of emigration to Oregon and the Pacific coast.

Was read a third time.

The question being, Shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Crim, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gookins, Goudy, Graham, Gunn, Hart, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McConnell, McDonald, Miller, Mudget, Nelson, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wilson, Withers, and Mr. Speaker—76.

No person voted in the negative.

So the joint resolution passed.

Ordered, that the clerk inform the Senate thereof.

Mr. McDonald called up House bill

No. 142. A bill to authorize the relocation of the seat of justice of the county of Clay, and to suspend the erection of a court house for said county, and to authorize the receiving of subscriptions and donations for the erection of the public buildings in said county;

Which failed on its passage some days since for want of a constitutional vote.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Behm, Brady, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crim, Cromwell, Dice, Dobson, Donham, Douthit, English, Geddes, Gookins, Goudy, Graham, Gunn, Helmer, Hicks, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Hunt, Kent, King, Lavery, Lawrence, Lindsay of Howard, Major, Marrs, Mayfield, McDonald, Nelson, Reynolds, Schoonover, Shanklin, Smith of Marion, Stanfield, Stevens, Struble, Suit, Sumner, Sweet, Thompson, Walker, and Watson—54.

*Those who voted in the negative were,*

Messrs. Beane, Bryant, Crawford, Doughty, Eccles, Foster, Hays of White, Henry, Holman, Humphreys, Leviston, Lewis, Litchfield, Miller, Mudget, Porter, Staton, Stover, Stuart, Torbet, Wilson, and Withers—23.

Mr. Smith of Spencer refused to vote.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

Mr. Mudget called up Senate bill

No. 47. A bill districting the State for the election of four judges of the supreme court.

Which failed on its passage to-day.

Mr. Kent moved to recommit the bill to the select committee charged with the duty of districting the State into supreme and circuit court districts, with instructions to district the State into three supreme districts.

Which motion did not prevail.

The question being, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Beane, Behm, Brady, Bryant, Carpenter, Cowgill, Crawford, Dice, Donaldson, Donham, Doughty, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hays of White, Helmer, Henry, Holladay of Parke, Holman, Hostetter, Hudson, Huey, Huffstetter, Hunt, King, Lavery, Lewis, Litchfield, Marrs, Mayfield, McConnell, McDonald, McDowell, Mudget, Nelson, Porter, Smith of Marion, Stanfield, Stevens, Stover, Struble, Stuart, Sweet, Torbet, Wells, Wilson, and Withers—51.

*Those who voted in the negative were,*

Messrs. Barker, Bulla, Buskirk, Chowning, Cockrum, Crim, Dobson, Douthit, Gunn, Hicks, Holliday of Blackford, Humphreys, Kent, Lawrence, Leviston, Lindsay of Howard, Major, Miller, Morris, Reynolds, Schoonover, Shanklin, Smith of Spencer, Staton, Suit, Sumner, Thompson, Walker, Watson and Mr. Speaker—30.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Withers called up bill

No. 109. A bill for the appointment of commissioners to relocate the seat of justice of Fountain county, providing for the compensation of such commissioners and for levying an additional tax to defray the expenses incident thereto.

Which was lost on its passage some days since, there not being a constitutional majority therefor.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Behm, Buskirk, Carpenter, Cowgill, Crim, Cromwell, Dice, Donham, Douthit, English, Geddes, Goudy, Graham, Hays of White, Holliday of Blackford, Huey, Hunt, Kent, King, Lavery, Lindsay of Howard, Major, Marrs, Mayfield, McDowell, Mudget, Nelson, Reynolds, Stevens, Struble, Suit, Sumner, Thompson, Walker, Watson, and Wilson—37.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Brady, Bryant, Bulla, Chowning, Cockrum, Crawford, Doughty, Eccles, Foster, Gunn, Henry, Hicks, Holladay of Parke, Holman, Humphreys, Lawrence, Leviston, Litchfield, Morris, Porter, Schoonover, Smith of Marion, Stover, Stuart, Sweet, Torbet, Wells, and Withers—30.

Messrs. Dobson, Gookins, McDowell and Stanfield were in their seats and refused to vote.

So the bill did not pass, no quorum voting.

On motion by Mr. McDowell,

A call of the House was ordered.

The clerk proceeded to the call, when the following members answered to their names, viz:

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Dice, Dobson, Donham, Donaldson, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—83.

On motion by Mr. McDowell,

The further call of the House was suspended.

Mr. Buskirk moved to lay the bill upon the table;

Which motion did not prevail.

The question being, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Behm, Buskirk, Carpenter, Cowgill, Crim, Cromwell, Dice, Donham, Douthit, English, Geddes, Goudy, Graham, Hays of White, Holliday of Blackford, Huey, Hunt, Kent, King, Lavery, Lawrence, Leviston, Lindsay of Howard, Major, Marrs, Mayfield, McDonald, Mudget, Nelson, Reynolds, Stevens, Struble, Suit, Sumner, Thompson, Walker, Watson, and Wilson—40.

*Those who voted in the negative were,*

Messrs. Beane, Brady, Bryant, Bulla, Chowning, Cockrum, Crawford, Dobson, Doughty, Eccles, Foster, Gookins, Gunn, Hart, Helmer, Henry, Hicks, Holladay of Parke, Holman, Hostetter, Hudson, Hostetter, Humphreys, Litchfield, Miller, Morris, Porter, Schoonover, Smith of Marion, Stanfield, Staton, Stuart, Sweet, Torbet, Wells, and Withers—36.

Messrs. Gibson and Shanklin were in their seats, and refused to vote.

So the bill did not pass.

Mr. Lavery, from the joint committee on Enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled bills have this day presented to the Governor, for his approval, Enrolled bills of the House numbered 34 and 64.

Mr. Smith of Marion, chairman of the committee on Enrolled bills, made the following report:

MR. SPEAKER:

The committee on Enrolled bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and find them correctly enrolled:

No. 68. An act for the encouragement of Agriculture.

No. 115. An act to exempt property from sale in certain cases.

Whereupon, the Speaker signed the same.

Ordered that the Clerk inform the Senate thereof.



Mr. King, under the rule, gave notice of a motion for leave to introduce

A bill relative to executions upon shares or stocks of individual corporations,—on money deposite, general or special, in banking or moneyed corporations, and to sequester on execution the tolls and profits of turnpike, plank road, bridge or other corporations authorized to receive tolls.

Mr. Stuart, in pursuance of previous notice, obtained leave and introduced

No. 156. A bill to provide for the punishment of offences by imprisonment in the county jail, or by fine;  
Which was read a first time, and passed to a second reading.

On motion by Mr. Withers,  
The House adjourned.

TUESDAY MORNING, 9 O'CLOCK, }  
February 17, 1852.

The House met.

The Journal of the preceding day was read.

#### PETITIONS &C. PRESENTED.

By Mr. Brady:

The communication of A. H. Davidson, relative to a balance due the State Board of Internal Improvement of 98 10-100.

Which,

On motion,

Was referred to the committee on Claims.

By Mr. Struble:

The petition of sundry citizens of Bartholomew county on the subject of temperance;

Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Holladay of Parke:

The temperance memorial of sundry ladies of Parke county;  
Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Hudson:

The temperance memorial of sundry citizens of Vigo county;  
Which,

On motion,

Was referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

Mr. Gibson, chairman of the committee on the State Prison, made the following report :

MR. SPEAKER :

The committee on the Affairs of the State Prison, to whom was referred the petition of Samuel H. Patterson, praying to be released from his contract with the State as lessee of the Penitentiary, or that his rent might be reduced to five thousand dollars per annum from the 14th of June last past, have had the subject under consideration, and having heard proof of the facts alleged in said petition, have directed me to report that they are fully satisfied that said Patterson has managed the affairs of said prison in a business like manner, and to as much advantage as the circumstances of the case and the terms of his contract with the State would admit.

That notwithstanding he has so managed the affairs of the prison, he has sustained a loss of from four to five thousand dollars per annum for several years last past. That such loss is attributable to the following causes :

1st. A loss by fire of about five thousand dollars worth of property.

2d. The prevalence for two seasons of epidemic cholera and small pox, causing the death of some thirty of his most valuable hands, and wholly suspending for a considerable period of both seasons the entire labor of the prison.

3d. That independent of these considerations, the amount of rent agreed to be paid by him to the State is a larger sum than can be realized from the labor of the convicts, under the regulations prescribed by existing laws.

Your committee are fully satisfied that if the State should enforce her contract with Mr. Patterson, that he must necessarily be involved in still greater losses and perhaps be totally ruined.

They cannot believe that the true interests of the State require

the enforcement of such a contract. They have therefore directed me to report the following bill and recommend its passage.

No. 157. A bill for the relief of Samuel H. Patterson and to reduce his rent, as lessee of the Penitentiary;

Which was read a first time and passed to a second reading.

Mr. Huffstetter, chairman of the committee on Roads, made the following report:

MR. SPEAKER:

The committee on Roads, to whom was referred House bill No. 58, a bill providing for laying out, opening, working on, changing and vacating highways, the erection of bridges, the officers intrusted with the care and supervision of highways and bridges, of the election or appointment and duties of supervisors, have had the same under consideration and instructed me to report that if the accompanying amendments recommended by the committee are concurred in, said committee recommends the passage of said bill as amended, and ask to be discharged from the further consideration thereof.

Amendments proposed by committee on the Judiciary, to House bill No. 58:

Strike out the 5th section.

Strike out "county or" in 36th section.

Insert between sections 65 and 66, the following section:

SEC. —. The Board of Township Trustees in their respective Townships shall have concurrent jurisdiction with the Board of County Commissioners in the laying out of any private or township road, and in the change or vacation of any such road within their respective townships, and shall in all respects so far as applicable, be governed by the provisions of this act in relation to the exercise of such jurisdiction by the Board of County Commissioners.

Strike out "care and" in the first line of the 79th section, and insert "general."

Strike out the first, second, fourth and fifth specifications in section 79.

Strike out "third" in seventh line, section 79.

Strike out "road or" in section 80.

Strike out sections 81, 82 and 83 and insert the two following sections:

SEC. —. The several Boards of Township Trustees at the first meeting after their election in each year, may assess as a road tax on all personal and real estate subject to taxation in their respective township, a sum not exceeding twenty cents on the one hundred

dollars of the appraised value thereof, which shall be duly certified to the Auditor of the proper county and collected as in other cases.

SEC. —. The said Trustees in lieu of or in addition to the tax aforesaid, may also at the first meeting after their election annually, assess a tax on the real and personal property in their respective townships not exceeding five mills per cent., to be collected by the Treasurer of the proper county as other taxes are collected, and direct the application thereof on any specified road or roads, bridge or bridges, within the township in such manner as will be most to the interest of the citizens thereof, and in such case the tax shall be collected in money and be applied under the direction and supervision of such trustees, and such trustees may enter into all contracts necessary to carry into effect the proper application thereof; *provided*, however, that no contract shall be made by any board of trustees, providing for the application of a larger amount to any such improvement than the special tax of such year, which special assessment with notice of the intended special application thereof shall be certified to the county Auditor as in other cases."

SEC. —. Except in the case contemplated in the last preceding section, the tax assessed by the board of township trustees for road purposes, in their respective townships, may be worked out in the highways of the proper district at the rate of seventy-five cents per day, prior to the first day of September, and if not so worked out, shall be collected by the county treasurers as in other cases.

In the 84th section strike out "voted by the inhabitants of any district or civil" and insert "assessed by any."

Strike out sections 87 and 88.

Insert in the second specification of section 91, after "county commissioners," the words "or township trustees."

Strike out "county" before "treasurer" in the 4th specification of section 91, and insert "township;" also strike out the words "by him collected;" also strike out "county auditor" and insert "township clerk."

In section 101, strike out "county auditor," and insert "township clerk." After the word "labor" in 6th line, insert "in the month of February preceding the expiration of his term of office, and shall." After "May" insert "thereafter." Strike out from the word "after" to "time," inclusive.

In section 103, strike out "of commissioners," and insert "of trustees." Strike out "June term," and insert "first meeting after their election."

Strike out section 105.

Strike out "of debt" in section 106.

In section 107, strike out "a fine" and insert "a sum."

Strike out "county or district" in section 112.

Add to section 113 as follows: "unless the same shall be specially applied as provided for in the — section of this act."

After "charged" in section 114, add "in such list."

Strike out section 115.

Strike out section 127.

In section 128, strike out the words "in an action of debt."

In section 129, strike out "aforesaid," and insert "specified in the last section."

In section 131, strike out "action of debt," and insert "suit."

In section 134, after "form" insert together "an act to provide for the more uniform mode of doing township business."

Mr. Hicks moved to lay the bill and amendments on the table ;  
Which motion did not prevail.

Mr. Carpenter submitted the following amendment to the amendment of the committee :

SEC. 104. Amend by striking out after the word "work" in 3d line, the word "two" and insert "six" at the discretion of the supervisor, in its place ; and strike out all after the word "district" in 3d and 4th lines, and insert after said words "which work shall be done at the time and discretion of the supervisors, exempting cities and incorporated towns from the above section."

SEC. 105. Amend by striking out the word "twenty" in the sixth line, and insert "ten."

SEC. 117. Amend in 2d line by striking out "three" after the word "of," and insert "two."

SEC. 119. Amend by striking out the word "eight" in 3d line, and insert "ten."

SEC. 123. Amend by striking out after the word "unless," in 2d line, "a satisfactory excuse is rendered to him for not so complying," and insert "in case of sickness or death of a member of family."

SEC. 125. Amend in the 2d line, after the word "owner" the words "or occupant."

SEC. 166. Add to section 166, after the word "erected" in 4th line, "provided a majority of the tax-payers interested do not remonstrate against the building of said bridge."

SEC. 81. Amend section 81 by striking out in 3d line the word "twenty," and inserting "ten" in its stead ; also strike out all after the word "cases" in the 13th and 14th line.

SEC. 94. Amend section 94 by adding after the word "districts" the following words: "and the supervisors shall be responsible to the county commissioners for the preservation of all such implements or tools purchased for the use of said highways, and repair and erection of said bridges, and account to his successor in office, and hand over to him all such articles."

On motion by Mr. Nelson,  
The bill and pending amendments were laid on the table.

Mr. Gibson moved to print the pending amendments.

Which motion did not prevail.

Mr. McDonald, from the committee on Swamp Lands, made the following report:

**MR. SPEAKER:**

The committee on Swamp Lands, to which was referred bill of the House, No. 151, entitled "an act to provide for the survey of the swamp lands," have had the same under consideration, and directed me to report that they deem it inexpedient to legislate in regard to the swamp lands in the manner provided in said bill, for the following reasons: First, if the proceeds of the swamp lands are to be appropriated solely for school purposes, in violation of the condition of the grant, and to the direct and lasting injury of the citizens of the counties in which they are situated, it would be a useless expenditure of a large amount of money, without any counter-vailing benefit. If such is the use only of the proceeds, the far better mode is to at once offer them in market for what they will bring, and then make provision by law that the price of those not sold shall be reduced in proportion to the time they remain in market without selling. On the other hand, if the proceeds of said lands are to be honestly applied, in accordance with the condition of the grant, and the plainly expressed intention of the donor, your committee conceive it to be a useless expenditure of money, and a serious delay of time, from the fact, which a little investigation will make known to all, that no system of drainage or reclamation will require any extensive connection with counties out of which the lands to be drained are situated. That in all cases the system to be adopted in any one county may not be the appropriate one for another county, and the services of an engineer will be required but for a few days in any one county, at a trifling expense, who might be acting under the direction of an agent or commissioner residing in the county, and well acquainted with the nature and situation of the lands to be drained; and which commissioner, or some other person, as overseer of the work on the part of the State, will necessarily have to attend to the completion of the work necessary to the draining or reclaiming said lands. If this overseer and engineer be appointed for a large district, he will necessarily have to resort to the same means, employ the same number of hands to perform a specified amount of work in any county that an engineer appointed in the county would have to, besides the extra amount of time taken by him and suit in traveling from one county to another, in addition to the increased length of time in consequence of his being wholly unacquainted with the situation of the lands in any one county; and then after all shall have been done by him, either himself or some other person will have to attend to the letting of the

contracts and the superintending the work, which in a large district composed of fifteen or twenty counties, must necessarily retard the work, be productive of great extra expense, and thereby injure the State, and produce great dissatisfaction among her citizens. Your committee believe that honest agents can be found in each county, whose interest will be closely connected with the proper expenditure of the swamp land fund, and who will take pride in well guarding the fund, so that it may be appropriated to its legitimate use. There can be no system devised which will not be attended with expense, and the only question that can naturally arise is as to the most efficient and least costly system of draining the swamp lands, and your committee are unanimously of opinion that the bill heretofore reported by your committee to this House on that subject, is as good and well guarded a system for the accomplishment of draining or reclaiming the swamp lands as can be devised, and at the same time the most economical method that has presented itself to their minds. Your committee beg leave to refer to the purpose and condition of the grant. If that purpose shall not be closely adhered to, and as expeditious and economical a mode as can be devised, as the nature of the case will admit of, be adopted, direct injustice will result to the United States, the donor, and a lasting injury will be inflicted upon a large portion of the State, and the citizens thereof. This work of draining or reclaiming the swamp lands must be a work of time, it cannot be done in a day. If it be self-sustaining, as all must admit it should be, the work must gradually though surely progress, and the work, as finished, will enhance the value of the unsold land, causing it to sell, thereby raising a new fund to prosecute the draining of other lands, thereby rendering them valuable, saleable, and productive. In the mean time, the whole country where most of the swamp lands are situated is daily being settled with industrious and enterprising emigrants, all tending to enhance the value, and hasten and increase the sale of the swamp lands. Your committee beg leave further, to refer to the second section of article eight of the Constitution. That seems to settle the whole question, as to the application, in the first instance, of the proceeds of the swamp lands, and your committee have no doubt but that the second object of the clause in said section, the increase of the school fund, will be more completely accomplished by the adoption of the bill heretofore reported by your committee to this House on this subject, than any other system that can well be devised. Your committee have therefore directed me to report the bill back to the House and recommend that it be laid on the table.

The report was concurred in and the bill laid on the table.

Mr. Nelson, from a select committee, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred bill No. —, legalizing the election of directors of the Lafayette Bridge Company, have had the same under consideration, and have directed me to report the following general law on the subject:

No. 158. A bill to legalize the election of directors of bridge companies, and the acts of such directors, and fixing a time for holding the election, and prescribing the time of service of such directors.

Which was read a first time and passed to a second reading.

Mr. Smith of Marion, from a select committee, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred the petition of citizens of Indianapolis, asking for an amendment of the charter of said city, to provide for the election of city officers by the people, have had that subject under consideration, and directed me to report the following bill, and recommend its passage:

No. 159. A bill to so modify an act to incorporate the city of Indianapolis, as to make all officers elective by the people;

Which was read a first time, and passed to a second reading.

A message from the Senate by Mr. Dunn, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed Joint resolution thereof:

No. 77, entitled, "Joint resolution on the subject of an Agricultural Bureau at Washington City."

Also, that the Senate has passed the following engrossed bill of the House, with one engrossed amendment thereto:

No. 89, entitled, "A bill in relation to the officers and soldiers of Indiana, who served in the war of 1811, 1812 and 1813, and in the war with Mexico."

In which the concurrence of the House is respectfully requested.

Joint resolution No. 77, contained in the foregoing message, Was read a first time, and ordered to a second reading.



The engrossed amendment of the Senate to House bill No. 89, contained in the foregoing message,

Was concurred in.

Ordered, That the clerk inform the Senate thereof.

Mr. Doughty, in pursuance of previous notice, obtained leave and introduced

No. 160. A bill for taxing dogs, and paying for sheep;  
Which was read a first time and passed to a second reading.

Mr. Stevens, in pursuance of previous notice, obtained leave and introduced

No. 161. A bill in relation to interest;  
Which was read a first time and passed to a second reading.

On motion by Mr. Gibson,

House Bill No. 118. A bill authorizing alien friends to take, by descent or devise, real estate, and dispose of the same, and releasing to the alien friends lands heretofore escheated to the State, and requiring such alien friends within five years either to sell and convey said land to citizens of this State, or remove themselves to this State, and declare their intention to become citizens of the United States; and providing for the appointment of guardians for such of such alien friends as may be minors, and authorizing such guardians to sell and convey such lands;

Postponed till this day at 10 o'clock A. M.,

On motion by Mr. Wells,  
Was taken from the table.

Mr. Wells submitted the following amendment to the bill:

Strike out the second section.

Mr. Smith of Spencer, offered the following amendment to the amendment:

Insert in the proper place, " Provided the said decedent shall have taken the oath of allegiance to the United States;

Which was not agreed to.

The question being put on the adoption of Mr. Wells' amendment,  
The ayes and noes were demanded by Messrs. Gibson and Wells.

*Those who voted in the affirmative were,*

Messrs. Bulla, English, Geddes, Hanna, Hart, Helmer, Hicks, Humphreys, Lawrence, Morris, Schoonover, Shanklin, Smith of Spencer, Sumner, Thompson, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—21.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Dice, Donaldson, Doughty, Douthit, Eccles, Gibson, Gookins, Goudy, Graham, Gunn, Hays of White, Henry, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Hunt, Kent, Lavery, Leviston, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, McDonald, McDowell, Miller, Nelson, Reynolds, Smith of Marion, Stevens, Stover, Stuart, Suit, Sweet, and Torbet—52.

So the amendment was not adopted.

Mr. Gookins submitted the following amendment:

Amend the third section as follows:

Nor in any manner to affect or impair the title to any lands which the State has appropriated to her own use.

Mr. Gibson moved to amend the amendment by adding in the proper place "and sold."

Which was accepted.

The amendment was then adopted.

Mr. Smith of Spencer submitted the following amendment:

*Provided*, said alien has taken an oath declaring his intention of becoming a citizen of the United States.

Mr. Gibson moved to lay the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. McConnell and Smith.

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Crawford, Crim, Cromwell, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Henry, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lewis, Major, Marrs,

Mayfield, McAllister, McDonald, McDowell, Miller, Nelson, Porter, Ray, Smith of Marion, Stover, Struble, Stuart, Suit, and Watson—49.

*Those who voted in the negative were,*

Messrs. Bulla, Cockrum, Cowgill, Geddes, Gunn, Hanna, Hart, Helmer, Lawrence, McConnell, Reynolds, Schoonover, Shanklin, Smith of Spencer, Sweet, Thompson, Torbet, Walker, Wells, Wilson, Withers and Mr. Speaker—22.

So the amendment was laid on the table.

Mr. English submitted the following amendment to the second section :

*Provided further,* That in all cases there shall be paid to the State by such devisee or next of kin such amount as the State may have expended or become liable for on account of such escheated estate.

Mr. Gibson moved to lay the amendment on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Withers and English.

*Those who voted in the affirmative were,*

Messrs. Behm, Bryant, Crawford, Crim, Doughty, Foster, Gibson, Goudy, Henry, Holladay of Parke, Holliday of Blackford, Hostetter, Huey, Kent, Litchfield, Major, Mayfield, McDonald, McDowell, Miller, Porter, Suit, and Sumner—23.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Brady, Bulla, Chowning, Cockrum, Cowgill, Dice, Donaldson, Donham, Douthit, Eccles, English, Geddes, Gookins, Graham, Gunn, Hanna, Hart, Helmer, Hicks, Hudson, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Leviston, Lewis, Marrs, McAllister, McConnell, Morris, Nelson, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Sweet, Thompson, Torbet, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—52.

So the amendment was not laid on the table.

The question then being put on the adoption of the amendment of Mr. English :

The ayes and noes were demanded by Messrs. English and Gibson.

*Those who voted in the affirmative were,*

Messrs. Brady, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Dice, Donham, Douthit, Eccles, English, Foster, Geddes, Gookins, Gunn, Hanna, Helmer, Hicks, Hudson, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Leviston, Lewis, Marrs, McAllister, McConnell, Miller, Morris, Nelson, Reynolds, Schoonover, Shanklin, Smith of Marion, Staton, Struble, Sumner, Sweet, Thompson, Walker, Watson, Wells, Withers, and Mr. Speaker—46.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Behm, Bryant, Carpenter, Crawford, Crim, Cromwell, Doughty, Gibson, Goudy, Graham, Henry, Holladay of Parke, Holliday of Blackford, Hostetter, Huey, Kent, Litchfield, Major, Mayfield, McDonald, McDowell, Mudget, Porter, Smith of Spencer, Stevens, Stover, Stuart, Suit, Torbet, and Wilson—32.

So the amendment was adopted.

Mr. Wells submitted the following amendment to the 5th section :

Amend by striking from the fifth section all from the word "court" in the third line.

Mr. Gibson moved to lay the bill and pending amendments on the table ;

Which motion did not prevail.

Mr. Wells moved to indefinitely postpone the bill.

Mr. Gibson moved to lay the motion of Mr. Wells on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Wells.

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Behm, Brady, Bryant, Carpenter, Crawford, Crim, Crmwell, Donham, Doughty, Douthit, Gibson, Gookins, Goudy, Graham, Henry, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Hunt, Kent, Laverty, Leviston, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McDonald, McDowell, Miller, Mudget, Nelson, Porter, Smith of Marion, Stevens, Stover, Stuart, Suit, Sumner, Torbet, and Wilson—45.

*Those who voted in the negative were,*

Messrs. Bulla, Buskirk, Chowning, Cockrun, Cowgill, Dice, English, Geddes, Gunn, Hanna, Hart, Helmer, Hicks, Huffstetter, Humphreys, Lawrence, Lewis, Litchfield, McConnell, Morris, Reynolds, Schoonover, Shanklin, Smith of Spencer, Staton, Struble, Sweet, Thompson, Walker, Watson, Wells and Withers—32.

So the motion of Mr. Wells was laid on the table.

The question then being put on the adoption of Mr. Wells' amendment,

The ayes and noes were demanded by Messrs. Gibson and Suit.

*Those who voted in the affirmative were,*

Messrs. Bulla, Buskirk, Cockrum, Dice, Douthit, English, Geddes, Gookins, Hanna, Hays of White, Helmer, Hicks, Hudson, Huffstetter, Humphreys, Lawrence, Leviston, Marrs, McAllister, McConnell, Miller, Nelson, Reynolds, Schoonover, Shanklin, Smith of Spencer, Staton, Struble, Sumner, Sweet, Thompson, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—37.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Behm, Brady, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Donaldson, Donham, Doughty, Eccles, Gibson, Goudy, Graham, Gunn, Henry, Holladay of Parke, Holliday of Blackford, Hostetter, Huey, Hunt, Kent, Lavery, Lewis, Lindsay of Howard, Litchfield, Major, Mayfield, McDonald, McDowell, Morris, Mudget, Porter, Smith of Marion, Stevens, Stover, Stuart, Suit, and Torbet—42.

So the amendment was not adopted.

Mr. Sumner moved to amend the bill by striking out the 5th section ;

Which motion did not prevail.

Mr. English moved to refer the bill to the committee on Education.

Mr. Gibson called the previous question ;

Which was seconded, and the main question ordered.

The main question being, Shall the bill be engrossed ?

And being put,

The ayes and noes were demanded by Messrs. Wells and Gibson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Crawford, Cromwell, Donham, Doughty, Douthit, Eccles, English,

Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hanna, Hart, Hays of White, Henry, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Huffstetter, Hunt, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Mudget, Nelson, Porter, Smith of Marion, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Torbet, and Watson—59.

*Those who voted in the negative were,*

Messrs. Bulla, Chowning, Cockrum, Crim, Dice, Gunn, Helmer, Hicks, Humphreys, Morris, Schoorover, Shanklin, Smith of Spencer, Thompson, Walker, Wells, Wilson, Withers and Mr. Speaker—19.

So the bill was ordered to be engrossed.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

§ No. 155. A bill to provide for the regulation of the running at large of all kinds of animals within the different townships in the different counties of the State, and to provide for the taking up, impounding and selling of all such animals as shall not be allowed by law to run at large.

Was read a second time.

On motion by Mr. McDonald,

The bill was referred to the committee on the Judiciary.

No. 156. A bill to provide for the punishment of offences by imprisonment in the county jail, or by fine.

Mr. Buskirk moved to suspend the rule, and read the bill a second time by its title;

And the question being put,

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Behm, Bryant, Buskirk, Carpenter, Chowning, Dice, Donaldson, Donham, Doughty, Douthit, English, Foster, Geddes, Gibson, Gookins, Graham, Gunn, Hart, Hays of White, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Kent, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Major, Marrs, Mayfield, McAllister, Nelson, Porter, Reynolds, Shanklin, Smith of Marion, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Walker, Wells, Wilson and Mr. Speaker—56.

*Those who voted in the negative were,*

Messrs. Brady, Bulla, Cockrum, Cowgill, Crawford, Eccles, Hanna, Hicks, Holladay of Parke, McConnell, McDonald, McDowell, Morris, Mudget, Schoonover, Smith of Spencer, Staton, Thompson, Watson, and Withers—20.

So the rule was suspended, and the bill was read a second time by its title.

On motion by Mr. Stuart,

The bill was referred to the committee on the Judiciary.

#### HOUSE BILLS ON THIRD READING.

No. 40. A bill to regulate the vending of wooden, brass, or composition clocks in the several counties of this State;

Was read a third time.

The question being, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Hicks, Holliday of Blackford, Holman, Hostetter, Humphreys, Hunt, Lawrence, Leviston, Lewis, Lindsay of Howard, Major, Marrs, Mayfield, McAllister, McConnell, Miller, Morris, Nelson, Schoonover, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, and Wells—59.

*Those who voted in the negative were,*

Messrs. Geddes, Henry, Holladay of Parke, Huey, Huffstetter, Kent, Laverty, McDonald, McDowell, Mudget, Porter, Reynolds, Shanklin, Wilson, Withers, and Mr. Speaker—16.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 24. A joint resolution on the subject of a ship canal around the Rapids of the St. Marys river, connecting Lake Superior with the other Northern Lakes;

Was read a third time.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Dice, Donaldson, Donham, Doughty, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hart, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holliday of Blackford, Holman, Hostetter, Hudson, Huey, Huffstetter, Hunt, Kent, Laverty, Lawrence, Leviston, Lewis, Linsday of Howard, Major, Marrs, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Mudget, Nelson, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, and Mr. Speaker—68.

*Those who voted in the negative were,*

Messrs. Buskirk, Crawford, Douthit, McDowell, Porter, Reynolds, Stover, Wilson, and Withers—9.

So the joint resolution passed.

Ordered that the clerk inform the Senate thereof.

Mr. Gibson moved that when this House adjourn, it adjourn to meet to-morrow morning 9 o'clock;

Which motion prevailed.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report:

**MR. SPEAKER:**

The joint committee on Enrolled Bills have this day presented to the Governor enrolled bills of the House numbered 68 and 115, for his approval.

Mr. Wilson, from the committee on Engrossed Bills, made the following report:

**MR. SPEAKER:**

The committee on Engrossed Bills have examined joint resolution No. 24 and bill No. 40, and find them correctly engrossed.



On motion by Mr. Holman,  
The vote on which

No. 70. A bill to establish courts of common pleas, and defining the jurisdiction and duties of the judges thereof,

Was lost on its engrossment, was reconsidered.

On motion,

The bill was referred to the committee on the Organization of Courts of Justice.

By unanimous consent of the House,

Mr. Gookins offered the following resolution:

*Resolved*, That the clerk be instructed to correct the journal of yesterday in relation to the vote on House bill No. 109, by inserting the names of those who left their seats and retired to the lobby to avoid the vote upon said bill.

Which was not agreed to.

On motion by Mr. Hudson,

Bill No. 139. A bill to authorize and regulate the business of general banking;

Was taken from the table and made the special order of the day for Saturday next at 10 o'clock.

On motion by Mr. Brady,

The House adjourned.

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WEDNESDAY MORNING, }  
February 18, 1852. }

The House met.

The Journal of the preceding day was read.

The Speaker laid before the House the following communication and report from the Auditor of State in obedience to a resolution of the House:

OFFICE OF AUDITOR OF STATE, }  
 INDIANAPOLIS, February 18, 1852. }

HON. JOHN W. DAVIS,  
*Speaker of the House of Representatives:*

SIR:—In compliance with the following resolution of the House, the accompanying statement is respectfully submitted, to-wit:

*Resolved*, That the Auditor of State be requested to furnish to this House, at as early a period as practicable, a complete statement of the constituent parts of the University fund, showing the manner in which the same was raised, and setting forth, as accurately as the records in his office will enable him to do, an account of the sales of the University lands, in what counties located, and the prices per acre for which the same have been sold, and the amount and quality of said lands remaining unsold, if any, and where located, and the amount of said funds now on loan in said Auditor's office.

In the act of Congress approved April 19, 1816, "to enable the people of the Indiana territory to form a constitution and State government, and for the admission of such State into the Union on equal footing with the original States," it is provided, "that one entire township, which shall be designated by the President of the United States, in addition to the one heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the Legislature of said State, to be appropriated solely to the use of such seminary by the said Legislature."

In conformity with this act, a township was designated in Gibson county, and a township in Monroe county, and both were exposed to sale in the year 1827.

Mr. James Smith, the commissioner appointed to sell the lands in Gibson county, in Nov. 1842, reported the entire number of acres in the township at 23,085.70, of which were sold by the Trustees of Vincennes University, 26 quarter sections, con-

containing.....	4,166	acres.
Sold by Wilson, Neely & Smith .....	489	acres.
Sold under act of 1827.....	16,845.95	acres.
Leaving unsold.....	1,584.75	acres.

Total .....	23,085.70	acres.
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The amount of these sales was reported at \$22,975.85, or not far from one dollar per acre.

A small portion of these lands is yet unsold, but they are regarded as of little value. The amount yet due from purchasers cannot

be ascertained with any degree of accuracy from any records in this office.

Reports from Monroe county show that 22,429.82 acres were sold up to 1840, for the sum of \$24,188 87, or a little over one dollar per acre. Four sections of land adjoining the college buildings, termed the "college sections," were also sold; these, with some other additions, making 3,311.81 acres, for the sum of \$42,330 39, or an average of \$12 78 per acre; the prices ranging variously from \$10 to \$29 per acre. The proceeds of these college sections were appropriated to the erection of the college buildings. But a small portion only, if any, of the lands in Monroe county remain unsold, but a considerable amount of the purchase money is yet unpaid. The whole is under the management of an efficient commissioner, Mr. J. M. Berry.

The total amount now on loan at this office is \$67,608 70. Within the past year, sales have been made of quite an amount of forfeited lands, and it is confidently believed that the principal portion of the suspended debt will eventually be realized.

Respectfully,

E. W. H. ELLIS,

*Auditor of State.*

On motion by Mr. Buskirk,

The report was laid on the table and ordered to be printed.

Mr. Kent submitted the following protest, which was ordered to be placed upon the Journal.

The undersigned, who voted in the minority on the passage of Senate bill No. 47, providing for districting the State for the election of four judges of the supreme court, ask leave to enter their solemn protest against the passage of that bill, for the following reasons:

First. It is clearly a violation of the third section of article seven of the constitution of the State. That section is in the following words:

"SEC. 3. The State shall be divided into as many districts as there are judges of the supreme court; and such districts shall be formed of contiguous territory, as nearly equal in population as, without dividing a county, *the same can be made*. One of said judges shall be elected from each district and reside therein; but said judges shall be elected by the State at large."

This section prescribes, clearly and explicitly, that the districts to be formed shall be nearly equal in population as the same can be made without dividing a county; and it is equally clear that any act forming districts that do not contain such an equality of population must be unconstitutional and void; and that any election held under such an act must also be void and of no effect. That the act in

question is a gross violation of this constitutional provision, will be perfectly apparent to any one who will take the trouble to reckon up the population of the several counties in each of the districts formed by it, according to the last census.

By the census returns, and by these we must be guided in ascertaining the number of inhabitants, the population of the whole State is 990,258. In forming four districts, therefore, they should contain 247,564, or as near that number as could be allotted to each without dividing a county. By the bill in question, the first district contains 239,600; the second, 245,380; the third, 253,883; and the fourth, 251,412.

Thus the third district contains 14,283 more than the first; 8,500 more than the second; 2,471 more than the fourth; and 6,319 more than its proper average number.

That the districts could have been formed of contiguous territory more nearly equal in population, without dividing a county, is clearly manifested, if such a glaring truth required any manifestation, by the fact that if the county of Bartholomew, containing a population of 12,832, had been attached to the third district, and the county of Floyd, with a population of 14,876, had been attached to the second district, would have been more equal in population than they now are.

The undersigned have not gone into any other calculation to show that these districts have been formed in palpable violation of the constitution, nor do they think any thing further is necessary to demonstrate a fact so clearly apparent.

But they think the spirit and intention of the constitution is as clearly violated by this bill as its letter. Passing by the fact that the districts are constructed without any regard to a natural geographical division, or to the connection or means of intercourse between the several parts of each district, they will proceed to notice one which they deem of even more vital importance.

It is clearly provided in the constitution that the people shall have the privilege of selecting the judges of the Supreme Court. This was the very object of the change made by the new constitution as to the mode of appointing these officers, and the only restriction as to their right and choice is that each judge to be elected shall reside within one of a certain number of districts to be formed by the Legislature. But if these districts are formed in such manner as, unnecessarily, to deprive the people of their right to choose one or more persons whom they might have been disposed to select, it is placing a restriction upon them which the constitution does not warrant, and is a violation of the spirit and intent of that instrument.

The undersigned have already shown that four districts might have been formed more nearly equal in population than they now are by adding Bartholomew county to the third and Floyd county to the second. It is also a notorious fact if the districts had been so formed the people would have had a right to select two of the pres-

ent judges, but as the districts are now formed they are all residents of the third, and the people are debarred from choosing more than one of these three. It is undeniable that this restriction was wholly unnecessary, and that the districts are rendered more unequal by it.

The undersigned would here advert to the fact, that when the bill was introduced from the Senate, motions were made to lay it upon the table, and refer it to the appropriate committee, in order that it might be examined, but all these motions were immediately voted down, and the bill was hastened through its several readings in such haste that they had not time to ascertain and expose the most serious objections before its passage.

All they can now do is to protest in the most solemn manner that it was passed against their wishes and efforts, and that it is, in the deliberate opinion of the undersigned, a palpable violation of the constitution, and therefore of no binding force or effect whatever.

JNO. W. DAVIS,  
H. W. BARKER,  
JAMES LEVISTON,  
THE. CHOWNING,  
WM. MAJOR,  
THOS. M. SMITH,  
JAMES F. SUIT,  
J. M. BULLA,  
THOMAS S. GUNN,

ISAAC H. MORRIS,  
EDMUND LAWRENCE,  
P. M. KENT,  
A. HUMPHREYS,  
R. SCHOONOVER,  
N. R. LINSDAY,  
ANDREW SHANKLIN,  
JAMES H. DOUTHIT,  
MICHAEL THOMPSON,

THOS. SUMNER.

*Hall of Representatives, February 17, 1852.*

The undersigned further protest for the following additional reasons:

That the court being composed of an *equal number* of judges, must, in many cases, nullify its own action, by being equally divided on questions submitted to them, and consequently points of interest to the people of the State will be neither affirmed or reversed, nor any opinion given.

Again, in the judgment of the undersigned, there was no necessity of increasing the number of the judges at present, as the number of cases on the supreme court docket have been reduced one hundred and seventy within the last two years, and there is no evidence that *three* judges will not be competent to decide all cases within a reasonable time after their submission.

And, again, the undersigned further protest because it will be much easier to increase the number of judges, if they are found too few to transact the business, than it will be to lessen the number if they are found more than may be required to discharge the legitimate business of the court.

And for these reasons jointly we protest against the additional expense which, by this act, will be saddled upon the State, in con-

travention of justice, and as before stated, in violation of the Constitution thereof.

JAMES H. DOUTHIT,  
H. W. BARKER,  
JAMES LEVISTON,  
THE. CHOWNING,  
WM. MAJOR,  
THOS. M. SMITH,  
J. M. BULLA,  
JAMES W. COCKRUM,

JNO. W. DAVIS,  
A. HUMPHREYS,  
N. R. LINSDAY,  
ANDREW SHANKLIN,  
THOS. SUMNER,  
MICHAEL THOMPSON,  
THOMAS S. GUNN,  
I. H. MORRIS,

EDMUND LAWRENCE.

*Hall of Representatives, February 17, 1852.*

#### PETITIONS, &C. PRESENTED.

By Mr. Douthit:

The temperance memorial of sundry citizens of Hamilton county;  
Which,

On motion,

Was referred to the committee on Temperance.

By Mr. Bryant:

The petition of sundry citizens of Warren county in relation to  
the organization of courts;

Which,

On motion,

Was referred to the committee on the Organization of Courts of  
Justice.

On motion by Mr. McDonald,

Leave of absence was granted Mr. Major.

Mr. Gibson moved to reconsider the vote by which the House  
adopted the resolution "that no member shall have leave of absence  
except on account of sickness."

On motion by Mr. Dobson,

The motion of Mr. Gibson was laid on the table.

#### REPORTS FROM COMMITTEES.

Mr. Donaldson, chairman of the committee on Elections, made  
the following report:

MR. SPEAKER:

The committee on Elections, to whom was recommitted House  
bill number 71—a bill to provide for the election of State and coun-

ty officers, and repealing all former acts inconsistent with the same—have had the same under consideration, and have directed me to make sundry amendments, and ask to be discharged from the further consideration of the subject:

SEC. 12. Strike out "inspector of elections," and insert "township clerk."

In section 19, strike out "county commissioners," and insert "township trustees;" and strike out all after the words "but the board may," inclusive.

In section 20, strike out the word "inspector" wherever it occurs and insert "judge."

Strike out the 21st section.

In section 22, strike out the words "inspector and."

Section 23d, in the—line, strike out "inspector," and insert "township clerk;" and strike out all of the section after the words "and one of said judges," inclusive.

SEC. 24. Strike out the first of the section to the words "Board, and shall," inclusive, in the 3d line, and insert "The judges of election shall designate one of their number to act as chairman of the Board of Election, who shall." Strike out the word "Inspector," in the 9th line, and insert "Chairman."

SEC. 25. Strike out "Inspector," and insert "Chairman."

SEC. 26. Strike out the words "each Inspector of elections in;" strike out "Inspectors," where it last occurs, and insert "Township clerks."

SEC. 27. Strike out "Inspectors," and insert the words "Township clerks."

SEC. 28. Strike out "Inspector," and insert "Chairman of the Board."

SEC. 33. Strike out "Inspector," and insert "Chairman of the Board."

SEC. 35. Strike out the words "the Inspector or;" also, the words "Inspector and."

SEC. 45. Strike out "Inspector," and insert "Chairman of the Board."

SEC. 46. Strike out "Inspector," and insert "Chairman of the Board."

SEC. 47. Strike out the words "Inspector of each Township or."

SEC. 53. Strike out "Inspector," and insert "Township clerks."

Add to Section 68 as follows: "And in such case shall annually, at the session of such Board held next preceding the October election, appoint one suitable citizen, resident within any such precinct, to act as one of the judges of election, who shall select two other citizens, resident thereof, who, together, shall constitute the judges of the election held in such precinct, and who shall appoint the clerks thereof, and such judges and clerks, in all respects whatever, shall be governed by the laws of this State regulating elections."

The amendments were concurred in, and the bill passed to a third reading.

Mr. Gibson, from the Judiciary committee, made the following report:

**MR. SPEAKER:**

The Judiciary committee, to whom was referred House bill No. 144, relative to proving and recording deeds of conveyance of real estate, have had the same under consideration, and directed me to report the same back with the following amendments:

Strike out the title, preamble, and the bill from the enacting clause, and insert the following bill in lieu thereof, and recommend its passage:

An act authorizing the proof of deeds and mortgages in certain cases therein named, for the purpose of admitting the same to record, and legalizing all records of deeds thirty years old.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Indiana,* That any deed or mortgage of real estate, heretofore executed for any lands within this State, and acknowledged by the maker before any public officer of this or any other State, not then authorized to take acknowledgments, may be proved by the oath of such officer; or if he be dead, insane, or out of the State, by proof of his hand writing, in the same manner as if such officer had been a subscribing witness to such deed and mortgage. And such deed or mortgage, so proved, shall be admitted to record in the county where the land may lie.

**SEC. 2.** All deeds recorded within this State, the record whereof is or may be thirty years old, shall be taken and deemed to have been legally admitted to record, without regard to any informality or illegality in the acknowledgment of the same. And such record shall have the same force in evidence as if such deed had been legally acknowledged.

The amendments were concurred in, and the bill ordered to be engrossed.

Mr. Behm, from the Judiciary committee, made the following report:

**MR. SPEAKER:**

The committee on the Judiciary, to whom was referred House bill No. 127, have had the same under consideration, and have directed me to report the same back with the following amendment for the further action of the House:

Insert in the fifth line, after the word "State" the following:



On account of damage occasioned by the construction or repairing of any of the public works in the State, or on account of timber and materials taken and used in such construction or repairing, or on account of any contract for work or labor or services performed in such construction, or for any repairs, or for any goods, wares or merchandise converted or sold and delivered, or for or on account of any other claim, injury or damages whatever, in constructing or repairing the same.

The amendments were concurred in, and the bill was ordered to be engrossed.

Mr. Gibson, chairman of the committee on the State Prison, made the following report:

**MR. SPEAKER:**

The committee on the Affairs of the Penitentiary, to whom was referred the petition of Sydney S. Lyons, praying compensation for services as surveyor and engineer in making a drain at the State Prison, have had the subject under consideration, and heard proof of the facts, have directed me to report the same back, and recommend that it be referred to the committee on Claims, with instructions to include the amount of said account in the specific appropriation bill.

Which report was concurred in.

Mr. Nelson, from the committee on Agriculture, made the following report:

**MR. SPEAKER:**

The committee on Agriculture, to whom was referred the report of the State Board of Agriculture, have had the same under consideration, and have directed me to report the following resolution, and recommend its passage:

*Resolved*, That four thousand copies of the report of the State Board of Agriculture be printed and neatly bound for the use of the State Board.

Which was agreed to.

Mr. Stover, from the committee on Corporations, made the following report:

**MR. SPEAKER:**

The committee on Corporations, to whom was referred by a resolution of the House, the subject of agents of foreign insurance com-

panies, have had the same under consideration, and directed me to report the following bill and recommend its passage.

No. 162. A bill in relation to agents of foreign insurance companies, duties of clerks of the circuit courts, county auditors and Secretary of State, also fixing a penalty for a violation of the provisions of this act by such agents in this State;

Which was read a first time, and passed to a second reading.

Mr. Leviston, chairman of the committee on Corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was refered a resolution of the House instructing them to report a bill for the re-location of county seats, have had that subject under consideration, and have directed me to report the following bill, and respectfully recommend its passage.

No. 163. A bill to provide for the re-location of county seats.

Which was read a first time, and passed to a second reading.

A message from the Senate by Mr. Dunn, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House without amendment:

No. 129. Entitled "An act for the recovery of property removed by high water."

Also, that the Senate has passed the following engrossed bill of the House with one engrossed amendment of the Senate thereto.

No. 135. Entitled "A bill authorizing county Auditors and their deputies to take acknowledgments of deeds and administer oaths in certain cases."

In which the concurrence of the House is respectfully requested.

The engrossed amendment of the Senate to House bill, No. 135, contained in the foregoing message, was concurred in.

Ordered that the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunn, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 82. Entitled, "An act to legalize the appraisement of real estate in the county of Fountain for the year 1851."

Also, No. 81. Entitled "An act to repeal Sec. 1, of an act entitled an act defining the duties of the Treasurer of Morgan county."

In which the concurrence of the House is respectfully requested.

Bills No. 82 and 81 contained in the foregoing message were read, a first time and passed to a second reading.

#### RESOLUTIONS OF THE HOUSE.

On motion by Mr. McDowell,

*Resolved*, That the Judiciary committee be instructed to inquire whether by virtue of the act of incorporation, entitled "an act to incorporate the town of Bluffton, in Wells county, Indiana," approved February 12, 1851, the voters of said town are lawfully empowered to hold an annual election for the election of corporation officers, or whether in that respect, said act is defective, and report at the earliest convenience.

On motion by Mr. Carpenter,

*Resolved*, That the committee of Ways and Means be instructed to observe the following principles in drafting a bill for a State Board of Equalization:

1st. As soon as the County Boards have concluded the equalization, of the real estate in their several counties, the county Auditors shall meet at some central point within thier congressional districts to equalize the counties in said district.

2nd. Who shall select one of their number from each congressional district, to attend at Indianapolis to form a State Board for the equalization of the districts.

Mr. Hicks offered the following resolution:

*Resolved*, The Senate concurred therein, when this House adjourn, on Friday evening, 20th inst., it adjourn until Monday morning, first day of March next. Members not to receive their *per diem* during said adjournment.

Which,

On motion by Mr. Gibson,

Was laid on the table.

By unanimous consent of the House,

Mr. Cowgill introduced

No. 164. A bill to repeal an act, entitled an act, to amend an act authorizing the construction of Plank Roads, approved January 15, 1849, approved January 14, 1850.

Which was read a first time, and ordered to a second reading.  
By unanimous consent of the House,  
Mr. Sumner obtained leave and introduced

No. 165. A bill for the repeal of an act, limiting the fees of the Auditor, in the county of Marshall.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 157. A bill for the relief of Samuel H. Patterson and to reduce his rent, as lessee of the Penitentiary;

Was read a second time and ordered to be engrossed.

No. 158. A bill to legalize the election of directors of bridge companies, and the acts of such directors, and fixing a time for holding the election, and prescribing the term of office of such directors;

Was read a second time and ordered to be engrossed.

No. 159. A bill to modify an act to incorporate the city of Indianapolis, so as to make all officers elective by the people;

Was read a second time.

On motion by Mr. Hudson,

The bill was referred to the Judiciary committee, with instructions to inquire into its constitutionality.

No. 160. A bill for taxing dogs, and paying for sheep killed by dogs;

Was read a second time.

Mr. Humphreys moved to lay the bill on the table.

Which motion did not prevail.

The bill was then ordered to be engrossed.

No. 161. A bill to regulate the interest on money, in the State of Indiana;

Was read a second time.

Mr. Stover moved to indefinitely postpone the bill.

And the question being put :

The ayes and noes were demanded by Messrs. Stover and Gibson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Brady, Buskirk, Chowning, Cowgill, Crawford, Crim, Cromwell, Dobson, Douthit, Eccles, English, Foster, Gookins, Graham, Hanna, Hays of White, Henry, Holladay of Parke, Holman, Hostetter, Hudson, Huey, Humphreys, Hunt, Lewis, Lindsay of Howard, Litchfield, Marrs, McAllister, McConnell, McDowell, Miller, Morris, Mudget, Nelson, Porter, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stover, Sumner, Sweet, Torbet, Watson, Wells, Wilson, Withers, and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Behm, Bryant, Bulla, Carpenter, Cockrum, Dice, Donaldson, Doughty, Geddes, Gibson, Gunn, Helmer, Hicks, Huffstetter, Laverty, Lawrence, Leviston, McDonald, Reynolds, Stanfield, Staton, Stevens, Struble, Suit, Thompson, and Walker—26.

So the bill was indefinitely postponed.

On motion by Mr. Sumner,

The vote by which bill No. 161 was indefinitely postponed,  
Was reconsidered.

On motion by Mr. Stevens,

The bill was laid on the table.

Senate joint resolution No. 77. A joint resolution on the subject of an Agricultural Bureau at Washington City ;

Was read a second time, and ordered to a third reading.

#### HOUSE BILLS ON THIRD READING.

No. 118. A bill authorizing alien friends to take, by descent or devise, real estate, and dispose of the same, and releasing to alien friends lands heretofore escheated to the State, and requiring such alien friends, within five years, either to sell and convey said lands to citizens of this State, or remove themselves to this State, and declare their intentions to become citizens of the United States; and providing for the appointment of guardians for such of such alien friends as may be minors, and authorizing such guardians to sell and convey real estate ;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beane, Behm, Brady, Bryant, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Dice, Donaldson, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Graham, Hays of White, Henry, Hicks, Holladay of Parke, Hostetter, Hudson, Huey, Hunt, Lavery, Leviston, Lindsay of Howard, Litchfield, Marrs, McAllister, McConnell, McDonald, McDowell, Mudget, Nelson, Porter, Smith of Marion, Stanfield, Staton, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Torbet, and Withers—52.

*Those who voted in the negative were,*

Messrs. Bulla, Cockrum, Crim, Donham, English, Geddes, Gunn, Hanna, Helmer, Huffstetter, Humphreys, Lawrence, Morris, Reynolds, Schoonover, Shanklin, Smith of Spencer, Stover, Thompson, Walker, Watson, Wells, Wilson, and Mr. Speaker—24.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Doughty,

House bill No. 138. A bill providing for the incorporation of bridge companies;

Was taken from the table and ordered to be engrossed.

Mr. Brady called up

No. 136. A bill declaratory of the law regulating marriages, and enforcing the same by proper penalties;

Which failed some days since, there not being a constitutional vote therefor.

Mr. Smith of Marion moved to recommit the bill to the committee on the Judiciary, with the following instructions :

Strike out "seventeen," in the 3d line of the first section, and insert "nineteen," and strike out "fourteen," in the 4th line, and insert "fifteen."

Strike out the words "the Society of Friends according to the rules of their Society," in the 6th and 7th line of the 3d section, and insert "any church or religious society according to the rules of such church or society."

Strike out "members of the Society of Friends," in the first and second lines of the 4th section, and insert "persons whose marriages are solemnized in any church or religious society in accordance with

the rules of such church or society where license is not required and a record kept of the same in such church or society."

Mr. Gibson called a division of the question.

The question was then put, shall the bill be recommitted?

And disagreed to.

The question recurred on the passage of the bill.

And the question being put,

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Bryant, Bulla, Buskirk, Cockrum, Cowgill, Crim, Cromwell, Dice, Donaldson, Donham, Doughty, Douthit, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hays of White, Helmer, Hicks, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Laverty, Lawrence, Leviston, Lewis, Lindsay of Howard, Mayfield, McAllister, McDonald, Miller, Morris, Mudget, Reynolds, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Thompson, Walker, Watson, Wilson, Withers, and Mr. Speaker—57.

*Those who voted in the negative were,*

Messrs. Behm, Brady, Chowning, Crawford, Dobson, Eccles, English, Geddes, Henry, Holladay of Parke, Litchfield, Marrs, McConnell, McDowell, Nelson, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Sweet, Torbet, and Wells—22.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

By unanimous consent of the House,

Mr. Stover made the following report from a select committee:

**MR. SPEAKER:**

The select committee to whom was referred Senate bill No. 33, a bill to prohibit the making of distress, a majority of said committee have had the same under consideration, and report the same back without any amendment, and recommend its passage.

The bill was ordered to a third reading.

Mr. Brady called up joint resolution

No. 48. A joint resolution asking an appropriation of Congress to erect public buildings in the city of Indianapolis;

Which the House refused to order to a third reading some days since.

The joint resolution was then ordered to a third reading.

A message from the Governor, by Mr. King, executive messenger:

**MR. SPEAKER:**

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, to-wit:

No. 34. An act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals.

No. 64. An act to establish public libraries.

No. 115. An act to exempt property from sale in certain cases.

No. 68. An act for the encouragement of agriculture.

All of which originated in the House.

Mr. Suit, chairman of the committee on Engrossed Bills, made the following report:

**MR. SPEAKER:**

The committee on Engrossed Bills have examined House bill No. 118, and find it correctly engrossed.

A message from the Senate by Mr. Dunn, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed joint resolutions of the House without amendment.

No. 10, entitled, A joint resolution relating to the harbor at Michigan city.

No. 16, entitled, A joint resolution asking a more liberal construction of the act of Congress of May 9, 1848.

No. 23, entitled, A joint resolution asking the passage of a law by Congress authorizing the State of Indiana to sell the Saline lands that remain unsold, at such price as may be deemed right by the General Assembly of the State.

On motion by Mr. Holman,

The House adjourned to meet to-morrow morning 9 o'clock.



THURSDAY MORNING, 9 o'clock, }  
February 19, 1852.

The House met.

The Journal of the preceding day was read.

On motion by Mr. Gibson,

The petition of Sydney S. Lyons, which on yesterday was referred to the committee on Claims, was referred to the committee on Ways and Means.

#### RESOLUTIONS OF THE HOUSE.

On motion by Mr. Sumner,

*Resolved*, That the committee on Ways and Means be and are hereby instructed to report a bill requiring the Auditor of State, in making out his report, to specify every item of expense for which any money or moneys of the State has been paid out, so that information can be had by reference to said report, without having to call for such information by resolutions of the Legislature.

By unanimous consent of the House,

Mr. Smith of Marion obtained leave and introduced

No. 166. A bill to correct a misprint in an act to amend an act to incorporate the Indianapolis and Brownsburg Plank Road Company, approved January 18, 1850.

Which was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Carpenter obtained leave and introduced

No. 167. A bill to provide for the inspection of tobacco.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 162. A bill in relation to agents of foreign insurance com-

panies, duties of clerks of circuit courts, county auditors, and Secretary of State; also, fixing a penalty for a violation of the provisions of this act by such agents in this State.

Was read a second time.

On motion by Mr. Nelson,  
The bill was referred to the Judiciary committee.

No. 163. A bill to provide for the re-location of county seats;  
Was read a second time.

Mr. Dice submitted the following amendment :

Strike out the 7th section and insert—

SEC. 7. It shall be the further duty of said board of county commissioners, at their first session after the seat of justice shall have been re-located as aforesaid, to provide for a revenue, by an increased rate of taxation, sufficient to redeem all county orders that may be issued to defray the expenses of the commissioners to be appointed in accordance with the provisions of this act, and all expenses accruing from the re-location of said seat of justice, including the purchase, if necessary, of suitable grounds, the construction of the necessary public buildings, and removal thereto.

The question being put on its adoption,  
The ayes and noes were demanded by Messrs. Dice and Buskirk.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Behm, Bulla, Carpenter, Cockrum, Cowgill, Crim, Cromwell, Dice, Donaldson, Donham, Douthit, Geddes, Gibson, Gookins, Goudy, Hays of White, Hudson, Huey, Huffstetter, Humphreys, Lavery, Litchfield, Mayfield, McAllister, McConnell, McDonald, McDowell, Nelson, Smith of Marion, Stanfield, Stevens, Stover, Stuart, Sumner, Sweet, Thompson, Walker, Wells, Wilson, and Withers—42.

*Those who voted in the negative were,*

Messrs. Beane, Brady, Bryant, Buskirk, Crawford, Dobson, Dougherty, Eccles, English, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Holman, Hostetter, Hunt, Lawrence, Leviston, Lewis, Lindsay of Howard, Marrs, Miller, Morris, Mudget, Porter, Reynolds, Schoonover, Shanklin, Smith of Spencer, Staton, Struble, Suit, Taggart, Torbet, Watson, and Mr. Speaker—41.

So the amendment was adopted.

Mr. Sumner moved to lay the bill on the table ;  
 And the question being put,  
 The ayes and noes were demanded by Messrs. Sumner and Dice.

*Those who voted in the affirmative were,*

Messrs. Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Cowgill, Crawford, Crim, Dice, Doughty, English, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hicks, Holman, Hostetter, Hudson, Huey, Hunt, Marrs, Mayfield, McDonald, Morris, Nelson, Porter, Reynolds, Schoonover, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Suit, Sumner, Torbet, Wilson, Withers, and Mr. Speaker—43.

*Those who voted in the negative were,*

Messrs. Barker, Beane, Cromwell, Dobson, Donaldson, Donham, Douthit, Eccles, Geddes, Hart, Hays of White, Helmer, Henry, Holladay of Parke, Huffstetter, Humphreys, Lavery, Lawrence, Leviston, Lewis, Litchfield, McAllister, McConnell, McDowell, Miller, Mudgett, Shanklin, Staton, Stover, Struble, Stuart, Sweet, Taggart, Thompson, Walker, Watson, and Wells—37.

So the bill was laid on the table.

No. 164. A bill to repeal an act entitled "an act to amend an act authorizing the construction of plank roads, approved January 15, 1849," approved January 14, 1850 ;

Was read a second time and ordered to be engrossed.

No. 165. A bill for the repeal of an act limiting the fees of the auditor of the county of Marshall ;

Was read a second time and ordered to be engrossed.

#### SENATE BILLS ON SECOND READING.

No. 81. A bill to repeal the 1st section of an act entitled an act defining the duties of the treasurer of Morgan county, approved February 11, 1851 ;

Was read a second time.

On motion by Mr. Gibson,

The bill was referred to the committee on Ways and Means, with instructions to so amend the bill as to repeal all such laws as were intended to be repealed by the bill.

No. 82. A bill to legalize the appraisement of real estate in the county of Fountain, for the year 1851;

Was read a second time.

On motion by Mr. Behm,

The bill was referred to the Judiciary committee.

#### HOUSE BILLS ON THIRD READING.

No. 71. A bill to provide for the election of State and county officers, and repealing all former acts inconsistent with the same;

Was read a third time.

By unanimous consent of the House, at the suggestion of Mr. Donaldson,

The bill was amended by striking out the word "does," in the 7th specification of the 15th section, and the word "transact" inserted; and in the 61st the words State Superintendent of Public Instruction were added.

By unanimous consent of the House, at the suggestion of Mr. Gookins,

The bill was amended as follows:

Amend so as to provide for giving ten days' notice of a special election for Senator or Representative, if it occur during a session of the Legislature, or within twenty days preceding it.

Mr. Douthit moved to recommit the bill to the committee on Elections, with the following instructions:

Strike out all after the word box, in the 4th line of the 33d section.

Strike out the word repeat, and insert the word examine, in the 6th line of the 41st section.

Which was not agreed to.

And the question being put, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Crim, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, English, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holman, Hostetter, Hudson, Huey, Humphreys, Huffstetter, Hunt, Laverty, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Marrs, Mayfield, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Suit,

Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—80.

*Those who voted in the negative were,*

Messrs. Buskirk and Hart—2.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 127. A bill to authorize suits against the State;  
Was read a third time.

Mr. Dobson moved to lay the bill on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Holman and Behm.

*Those who voted in the affirmative were,*

Messrs. Brady, Cowgill, Dice, Dobson, Douthit, Eccles, English, Foster, Hanna, Hart, Hays of White, Holman, Hostetter, Humphreys, Laverty, Mayfield, Morris, Mudget, Porter, Schoorover, Smith of Marion, Stover, Stuart, Sumner, Taggart, and Torbet—26.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Crawford, Crim, Cromwell, Donaldson, Donham, Doughty, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Hudson, Huey, Huffstetter, Hunt, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Marrs, McAllister, McConnell, McDonald, McDowell, Miller, Nelson, Reynolds, Shanklin, Smith of Spencer, Stanfield, Staton, Stevens, Struble, Suit, Sweet, Thompson, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—59.

So the bill was not laid on the table.

Mr. Holman moved to recommit to the Judiciary committee, with instructions as follows:

SEC. —. The provisions of this act shall not apply to claims originating prior to the adoption of the present constitution.

Mr. Buskirk moved to amend the instructions of Mr. Holman, viz:

After the word "same," in 6th line, second page, add these words: "or for or on account of any other claim, injury or damage whatever."

Mr. Stover moved to indefinitely postpone the bill.

Mr. Behm moved to lay the motion of Mr. Stover on the table.  
And the question being put,

The ayes and noes were demanded by Messrs. Behm and Lindsay of Howard.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Behm, Buskirk, Donham, Doughty, Gibson, Goudy, Hays of White, Holladay of Parke, Hudson, Lindsay of Howard, Marrs, McConnell, McDonald, Nelson, Schoonover, Shanklin, Stanfield, and Suit—20.

*Those who voted in the negative were,*

Messrs. Beane, Brady, Bryant, Bulla, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Dice, Dobson, Donaldson, Douthit, Eccles, English, Foster, Geddes, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holman, Hostetter, Huey, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Leviston, Litchfield, Mayfield, McAllister, McDowell, Miller, Morris, Mudget, Porter, Reynolds, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—62.

So the motion was not laid on the table.

Mr. Dobson moved to lay the bill on the table.

And the question being put,

The ayes and noes were demanded by Messrs. Dobson and Behm.

*Those who voted in the affirmative were,*

Messrs. Buskirk, Dobson, English, Foster, Geddes, Hays of White, Holman, Huey, Leviston, Mayfield, McAllister, Miller, Wilson and Mr. Speaker—14.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Gibson, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Hostetter, Huffstetter, Humphreys, Hunt, Lavery, Lawrence, Lindsay of Howard, Litchfield, McConnell, McDonald, McDowell, Morris, Mudget, Nelson, Porter, Reynolds, Schoonover, Shanklin,

Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, and Withers—66.

So the bill was not laid on the table.

The question then recurred on the indefinite postponement of the bill, and being put,

The ayes and noes were demanded by Messrs. Stover and Holman.

*Those who voted in the affirmative were,*

Messrs. Beane, Brady, Bryant, Bulla, Carpenter, Chowning, Cowgill, Crawford, Crim, Cromwell, Dice, Donaldson, Donham, Douthit, Eccles, English, Foster, Gookins, Graham, Gunn, Hanna, Hart, Hay of Clark, Helmer, Henry, Holman, Hostetter, Huey, Humphreys, Hunt, Lavery, Litchfield, McAllister, McDowell, Morris, Mudgett, Porter, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Stover, Struble, Stuart, Sumner, Taggart, Thompson, Torbet, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—56.

*Those who voted in the negative were,*

Messrs. Barker, Beach, Behm, Buskirk, Dobson, Doughty, Geddes, Gibson, Goudy, Hays of White, Hicks, Holladay of Parke, Huffstetter, Lawrence, Leviston, Lindsay of Howard, Mayfield, McConnell, McDonald, Nelson, Schoonover, Stanfield, Suit, and Sweet—24.

So the bill was indefinitely postponed.

On motion by Mr. Gibson,

The House adjourned.

2 o'clock, P. M.

The House met.

#### ORDERS OF THE DAY RESUMED.

No. 138. A bill to provide for the incorporation of bridge companies.

Was read a third time.

Mr. Doughty moved to recommit the bill to the committee on Corporations with the following instructions:

Amend the sixth section, by striking out all after the words, the same in said section.

Which was not agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bulla, Carpenter, Chowning, Cowgill, Cromwell, Dice, Dobson, Donham, Douthit, Eccles, Geddes, Gookins, Goudy, Graham, Gunn, Hay of Clark, Helmer, Henry, Hicks, Holladay of Parke, Holman, Hostetter, Hudson, Huey, Huffstetter, King, Lavery, Lawrence, Lindsay of Howard, Litchfield, Marrs, McAllister, McDowell, Nelson, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Stanfield, Staton, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Wilson, Withers and Mr. Speaker—61.

*Those who voted in the negative were,*

Messrs. Doughty, Hart, Leviston, McDonald, Miller, Morris, and Smith of Spencer—7.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 144. A bill relative to the proving and recording of deeds of conveyance of real estate.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Cromwell, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holman, Hostetter, Hudson, Huey, Huffstetter, Hunt, King, Lavery, Lawrence, Lewis, Lindsay of Howard, Litchfield, Marrs, Mayfield, McAllister, McDowell, Miller, Morris, Nelson, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion,



Smith of Spencer, Stanfield, Staton, Stevens, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wilson, Withers, and Mr. Speaker—72.

*Those who voted in the negative were,*

Messrs. Stover and Wells—2.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 157. A bill for the relief of Samuel H. Patterson, and to reduce his rent as lessee of the Penitentiary ;

Was read a third time.

The question being, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Behm, Brady, Bulla, Carpenter, Cowgill, Crawford, Cromwell, Dice, Donham, Doughty, Douthit, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Henry, Hicks, Holladay of Parke, Hostetter, Hudson, Huey, Hunt, King, Lavery, Lawrence, Lindsay of Howard, Litchfield, Mayfield, McAllister, McConnell, McDonald, McDowell, Nelson, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Walker, Watson, Wilson, and Mr. Speaker—61.

*Those who voted in the negative were,*

Messrs. Buskirk, Chowning, Dobson, Donaldson, Eccles, Helmer, Holman, Huffstetter, Humphreys, Lewis, Marrs, Miller, Morris, Porter, Staton, Taggart, Torbet, Wells, and Withers—19.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

No. 158. A bill to legalize the election of directors of bridge companies, and the acts of such directors, and fixing a time for holding the election, and prescribing the term of office of such directors ;

Was read a third time ;

The question being, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Dice, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Gibson, Gookins, Goudy, Gunn, Graham, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lawrence, Lewis, Lindsay of Howard, Litchfield, Marrs, Mayfield, McAllister, McDonald, Miller, Morris, Nelson, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—74.

*Those who voted in the negative were,*

Messrs. Dobson, Holman, Lavery, and McDowell—4.

So the bill passed.

Ordered that the Clerk inform the Senate thereof.

No. 160. A bill for taxing dogs, and paying for sheep killed by dogs;

Was read a third time.

Mr. Doughty moved to commit the bill to the committee on Agriculture, with the following instructions :

SEC. —. Where any person shall sustain damage by having sheep killed or injured by dogs or wolves, it shall be lawful for such person to have the damage appraised by two disinterested freeholders of the township where such damage was sustained; such appraisers shall certify the amount of damages, which certificate, verified by the appraisers, shall be presented to the board doing county business at their January term in each year; and said board, if they deem such claims equitable, shall direct the treasurer to pay them out of the fund collected on account of the tax on dogs, and if there be not sufficient in his hands herein set apart for that purpose to pay all such claims, then they shall be paid in equitable proportion, and if, after adjusting all such claims at the January term, there should remain in the hands of the treasurer a balance of said funds, such balance shall be added to the ordinary revenue for common school purposes.

Mr. Humphreys moved to amend the instructions by exempting two *fiests* in each family.

Mr. Bulla moved to amend the instructions as follows :

Add the following section :

It shall be lawful for any person to kill any dog which may be found worrying or chasing any sheep or lamb, or that may have killed any sheep or lamb.

Mr. Suit moved to amend the instructions by striking out all relative to taxing dogs ;

Which motion did not prevail.

Mr. Smith of Spencer offered the following amendment to the amendment :

And further to inquire whether it is constitutional to assess a poll tax on dogs.

Which was agreed to.

The question then being put on the adoption of Mr. Bulla's amendment to the instructions as amended by the proposition of Mr. Smith of Spencer,

It was decided in the affirmative.

The bill was then referred to the committee on Agriculture, with the instructions.

On motion by Mr. Buskirk,

House bill No. 39. A bill to legalize the action of school commissioners in cases where the tax duplicate had never been made out before the taking effect in their counties of the school law of 1849.

#### SENATE BILLS ON THIRD READING.

No. 33. A bill to prohibit the making distress for rent by warrant ;

Was read a third time.

The question then being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Brady, Cowgill, Crawford, Cromwell, Dice, Douthit, Eccles, Geddes, Graham, Hart, Hays of White, Henry, Hicks, Holladay of Parke, Hostetter, Hunt, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, McDowell, McDonald, Miller, Morris, Mudget, Owen, Porter, Reynolds, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Struble, Stuart, Sumner, Torbet, Wilson, Withers, and Mr. Speaker—45.

*Those who voted in the negative were,*

Messrs. Bulla, Buskirk, Carpenter, Chowning, Donaldson, Donham, Doughty, English, Foster, Gibson, Gookins, Gunn, Hanna, Hay of Clark, Helmer, Holman, Huey, Huffstetter, Humphreys, King, Laverty, Marrs, Mayfield, McConnell, McAllister, Nelson, Schoonover, Shanklin, Stuart, Sweet, Taggart, Thompson, Walker, Watson, and Wells—35.

So the bill did not pass.

No. 48. A joint resolution asking an appropriation of Congress to erect public buildings in the city of Indianapolis;  
Was read a third time.

The question being, Shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beeson, Brady, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Dice, Dobson, Doughty, Eccles, English, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holladay of Parke, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lindsay of Howard, Litchfield, Marrs, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stevens, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Walker, Watson, Wells, Wilson, and Withers—73.

*Those who voted in the negative were,*

Messrs. McDowell, Stover, Stuart, and Mr. Speaker—4.

So the joint resolution passed.

Ordered, that the clerk inform the Senate thereof.

No. 77. A joint resolution on the subject of an Agricultural Bureau at Washington city.

Was read a third time.

The question being put, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bulla, Buskirk, Carpenter, Chowning, Cowgill, Crawford, Cromwell, Dice, Dobson, Donaldson, Donham, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Gunn, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Holladay of Parke, Holman, Huey, Huffstetter, Humphreys, Hunt, King, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Marrs, Mayfield, McAllister, McConnell, McDonald, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Schoonover, Shanklin, Smith of Marion, Smith of Spencer, Staton Stevens, Stover, Struble, Stuart, Suit, Sumner, Sweet, Thompson, Torbet, Walker, Watson, Wells, Wilson, Withers, and Mr. Speaker—77.

*Those who voted in the negative were,*

Messrs. Hicks and Taggart—2.

So the joint resolution passed.

Ordered, that the clerk inform the Senate thereof.

On motion by Mr. Torbet,

No. 150. A bill to provide for the public printing and binding &c.

Was taken from the table and placed upon the files of the House.

Mr. King in pursuance of previous notice, obtained leave, and introduced,

No. 168. A bill relative to executions upon shares or stocks of individuals in corporations on money deposits, general or special, in banking or moneyed corporations, and to the transfer of the same and to sequester on executions the tolls and profits of turnpike, plank road, bridge or other corporations, authorized to receive tolls.

Which was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Behm presented,

The remonstrance of sundry citizens of Tippecanoe county, to the memorials of sundry citizens of said county, relative to the laws giving liens upon boats, &c.;

Which,

On motion,

Was referred to the same select committee heretofore appointed on that subject.

A message from the Senate by Mr. Dunn, their secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 88. Entitled, "An act limiting the number of grand jurors, providing a mode for their selection, defining their jurisdiction and repealing all laws inconsistent therewith."

In which the concurrence of the House is respectfully requested.

The bill contained in the foregoing message were read a first time and passed to a second reading.

A message from the Senate by Mr. Dunn, their Secretary:

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 74. Entitled, "A bill authorizing plank road and turnpike companies to create a sinking fund for the repair of said road."

In which the concurrence of the House is respectfully requested.

Bill No. 74, contained in the foregoing message was read a first time and passed to a second reading.

A message from the Senate by Mr. Dunn, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House with the accompanying engrossed amendment of the Senate thereto:

No. 122. Entitled, "An act to provide for the organization of county boards and defining their powers and duties."

In which the concurrence of the House is respectfully requested.

On motion by Mr. Gibson,

The bill and amendments were referred to the committee on the Organization of Courts of Justice.

On motion,

Mr. Behm, was excused from further duties on the Judiciary committee.

Mr. Gookins obtained leave and reported the following bill from the Judiciary committee:

No. 169. A bill regulating descents and the apportionment of estates.

Which was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Lindsay of Howard, presented the claim of A. P. Carroll for arresting a fugitive from justice on a requisition from the Governor.

Which,

On motion,

Was referred to the committee on Claims.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Joint committee on Enrolled bills have compared Enrolled bills of the House numbered 10, 16 and 23 with the engrossed copies thereof and find the same correctly enrolled.

Mr. Suit chairman of the committee on Engrossed bills made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined bills Nos. 127, 138, 144, 157, 158 and 160, and find them correctly engrossed.

Mr. Smith of Marion, chairman of the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The committee on Enrolled Bills have compared the following enrolled with the engrossed bills of the House of the corresponding numbers, and find the same correctly enrolled:

No. 89. An act in relation to the officers and soldiers of Indiana, who served in the war of 1811, 1812 and 1813, and in the war with Mexico, and in all other wars since the settlement of the State of Indiana;

No. 129. An act for the recovery of property removed by high water;

No. 135. An act authorizing county auditors and their deputies to take acknowledgments of deeds and administer oaths in certain cases.

Whereupon the Speaker signed the same.  
Ordered that the clerk inform the Senate thereof.

On motion by Mr. Lewis,  
The House adjourned.

FRIDAY MORNING, 9 o'CLOCK, }  
February 20, 1852. }

The House met.

The journal of the preceding day was read.

The Speaker laid before the House the following communication from Thomas Dowling, Resident Trustee, dated Indianapolis, February, 1852, relative to canal bridges on the Wabash and Erie Canal:

INDIANAPOLIS, FEBRUARY, 1852.

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives:*

SIR:—A resolution was adopted by the House over which you preside, on the 25th ultimo, calling for information in regard to canal bridges on Wabash and Erie canal, constructed or repaired since the commencement of the Trust in 1847.

On the 26th January, I had the honor to address a short communication to the House, expressing a readiness to furnish the information desired, at the earliest practicable period, but, at the same time respectfully suggesting that some time must elapse before the necessary data could be obtained upon which to prepare a formal and full reply. Having now done so, I am enabled to make the promised communication.

The trustees are requested to furnish the House full and detailed information under several heads and specifications.

1st. How many bridges they have built or repaired across said canal since that work came into their possession, specifying the locality and cost of each bridge?



For convenience, and the more full elucidation of the subject, this information will be given under two general divisions. First, as to the bridges built and under contract for construction on the portion of canal remaining unfinished at the commencement of the Trust, extending from Coal creek to Evansville; and, second as to bridges rebuilt or repaired on that portion of the canal which was received from the State as finished, extending from Coal creek to the State line, north.

In the location and construction of the new canal, south of Coal creek, the bridges erected or under contract number about one hundred, costing, including embankments, \$54,272 64-100, as nearly as it can now be estimated. Their particular location has, of course, been governed, mainly, by the previous location of roads and travelled highways crossing the line of the canal, so as to subserve the necessary wants of the travelling public. In this matter, the trustees have aimed to meet the general interests affected, while, at the same time, they were following, exactly, the practice adopted by the State authorities in the previous management of the canal. In the conflicts of *local* interests, they have endeavored to give *general* satisfaction, without daring to hope that, in every case, *individuals* would cease to complain. In following the course adopted by the State herself, the trustees consider it both safe and satisfactory, as a rule in this as in other cases, where the requirements of the law have been found contradictory or uncertain.

The location and cost of bridges, south of Coal creek, are as follows:

*List of Bridges built by the Trustees in the progress of construction of the Canal from Coal Creek, in Parke county, to Petersburg, in Pike county, with the cost of same.*

Read bridge over Coal Creek, Parke county,.....		\$1,500 00
No. 1.	Bridge at section No. 98, and embankment, Parke county,.....	632 19
2.	do 102 do do .....	450 00
3.	do 105 do do .....	607 94
4.	do 108 do do .....	517 98
5.	do 110 do do .....	546 72
6.	do 110 do do .....	588 35
7.	do 114 do do .....	671 37
8.	Bridge at Montezuma, and embankment, Parke county, .....	908 00
9.	do do do do .....	358 40
10.	Bridge at section No. 118 do do .....	225 00
11.	do 121 do do .....	427 08
12.	do 125 do do .....	489 85
13.	do 128 do do .....	352 76
14.	do 133 do do .....	430 04
15.	do 137 opposite Clinton, and embankment, Parke county,...	310 12
16.	do 137 do do do .....	450 00
17.	do 141 Numa, do do .....	440 00
18.	do 151 do do .....	888 90
19.	do 152 do do .....	497 32
20.	do 157 do do .....	492 03
21.	do 157 do do .....	1,096 43
22.	Bridge at north part of Terre Haute, and embankment, Vigo county, .....	911 22
23.	do at First street, do do do .....	556 44
24.	do at Market street do do do .....	227 90
25.	do at foot of locks, do do do .....	328 60

31.	Pivot bridge, Lafayette road, Terre Haute, and embankment, Vigo county,	556	40
26.	Bridge at Fourth street,	do	do
27.	Pivot bridge, Fifth street,	do	do
28.	Bridge over county road,	do	do
29.	Bridge over National road,	do	do
30.	Bridge over Bloomington road,	do	do
32.	Bridge at Dean's, two miles below Terre Haute,	do	do
33.	Bridge over Louisville road,	do	do
34.	Bridge at section No. 6, and embankment, Vigo county,.....	300	26
35.	do do 6 do do .....	218	15
36.	do do 8 do do .....	393	60
37.	Bridge, repairing, at section 14, and embankments, Vigo county, .....	90	00
38.	do do 18 do do .....	228	00
39.	do do 24 do do .....	459	00
40.	do do 26 do do .....	225	00
41.	Bridge over Feeder, section 11, and embankments, Clay county, .....	\$314	52
42.	do do 38 do do .....	306	20
43.	do do 40 do do .....	273	91
44.	do do 43 do do .....	100	00
45.	do do 52 do do .....	491	75
46.	do do 55 do do .....	298	47
47.	Bridge on section 58, and embankment, Clay county, .....	494	95
48.	Bridge on section 1, Feeder, and embankment, Clay county, .....	179	00
49.	do do 72 do do Greene county, .....	385	20
50.	Bridge on section 80, Point Commerce, and embankment, Greene county,...	475	20
51.	do do 81 Washington, do do .....	248	00
52.	do do 82 do do .....	366	00
53.	do do 90 do do .....	517	39
54.	do do 94 do do .....	906	71
55.	do do 96 do do .....	466	54
56.	do do 100 do do .....	462	10
57.	do do 103 do do .....	286	00
58.	do do 114 Newberry, do do .....	300	00
59.	do do 118 do do .....	282	40
60.	do do 121 do do .....	410	28
61.	do do 125 do do .....	390	80
62.	do do 131 do do Daviess county....	277	55
63.	do do 133 do do .....	350	64
64.	do do 137 do do .....	417	16
65.	do do 146 do do .....	443	44
66.	do do 151 do do .....	504	13
67.	do do 154 do do .....	470	85
68.	do do 158 do do .....	432	52
69.	do do 160 Maysville, do do .....	607	60
70.	do do 166 do do .....	311	60
71.	do do 172 do do .....	392	42
72.	do do 176 do do .....	809	12
73.	do do 191 do do Pike county,....	226	88
74.	do do 193 do do .....	916	40
75.	do do 196 Petersburg, do do .....	350	00

Total,.....\$34,272 64

There are several bridges now under contract between Petersburg and Evansville, the estimated cost of which may be placed at..... 20,000 00

Total,.....\$54,272 64

On the division of canal between Coal creek and the State line, (north,) which was received from the State as finished, bridges have been rebuilt and repaired, or are now under contract, as follows:

At New Haven, Allen county, .....	\$190	00
At Six mile creek, Allen county, .....	200	00
At McDonald's, Allen county, .....	213	00
At Maumee road, Fort Wayne, Allen county, .....	205	00
At Barr street, do do .....	200	00
At Lima road, St. Joseph Feeder do .....	205	00
At Columbia road, Allen county, .....	205	00
At Lewis, Huntington county, .....	205	00
At Stone Tavern, Huntington, Huntington county, .....	205	00
At Basin in Huntington, (in aid of citizens) Huntington county, .....	300	00
At Lower road in Huntington, Huntington county, .....	195	00
At county line road, Wabash county, .....	195	00
At upper road in LaGro, repairing, Wabash county, .....	50	00
At lower road in LaGro, do .....	200	00
At main road in Wabash, do .....	300	00
At main road west of Wabash. do .....	195	00
At Fisher's, Wabash county, .....	388	13

At mouth of Mississinewa, Miami county, .....	190 00
At Peru dam, do .....	246 00
At Col. Reyburn's, repairing, do .....	150 00
At Miller's, do .....	210 00
At Lewisburg, Cass county, .....	210 00
At Parker's Lock, Cass county, .....	210 00
At lock in Logansport, (ordered but not yet built) Cass county, .....	250 00
At Market street, Logansport, do .....	388 20
At Broadway street, do .....	270 00
At east side of Eel River, Logansport, do .....	220 00
At west side of Eel river, do .....	200 00
At Chicago road in West Logan, (in aid of citizens) do .....	50 00
At Laselle's mill, Cass county, .....	210 00
Above Georgetown, do .....	210 00
At Georgetown, repairing, Cass county, .....	\$75 00
Below Georgetown, do .....	195 00
At upper road, Lockport, Carroll county, .....	75 00
At two miles below Lockport, do .....	210 00
At Rattlesnake, do .....	195 00
At Carrollton, repairing, do .....	75 00
At Bolles's warehouse in Delphi, Carroll county, .....	335 00
At red warehouse in Delphi, do .....	283 00
At Americus, repairing, Tippecanoe county, .....	100 00
At Wild Cat, do .....	125 00
At Hull's mill, Lafayette, do .....	230 00
At Caswell's warehouse, Lafayette, Tippecanoe county, .....	250 00
At near Brunn's, Lafayette, (new bridge) do .....	250 00
At two miles below Granville, do .....	250 00
Repairing bridges 51, 52, 52½ and 53, at Lafayette, Tippecanoe county, .....	281 87
At Independence road, Fountain county, .....	250 00
At Hemphill's warehouse, Attica, (new bridge) Fountain county, .....	251 00
At Needer's warehouse, Attica, repairs, do .....	25 00
At Ferry road, Portland, Fountain county, .....	216 00
At 2½ miles above Covington, do .....	275 00
At Rawles's warehouse in Covington, Fountain county, .....	325 00
At Silver Island, Fountain county, .....	200 00
At Vicksburg, (new bridge) Fountain county, .....	326 00
<hr/>	
\$11,463 20	

The foregoing list of expenditures for bridges, both north and south of Coal creek, show that the trustees have expended about \$65,000 for that object since the commencement of the trust.

The resolution of the House inquires, secondly, "What, bridges if any, on State and county roads crossing said canal, or on streets of any of the towns through which the canal passes, are out of repair, or need to be rebuilt and the reason, if any, why the same have not been repaired or rebuilt."

In their late annual report, to which reference is respectfully made, the trustees have stated that "of the seventy-one bridges erected by the State for roads of this class (State or county roads) nearly one half have been rebuilt, and the remainder will be rebuilt within the next ensuing year." The bridges are rebuilt as their condition indicates the need of a new structure. The particular time for commencing the rebuilding of each bridge, is, of course, left to the discretion of the local superintendents, having reference to the safety of the travel, and the trustees have no reason to believe that there has been any material error of judgment as to the time of erecting new bridges. There may have been delays, inseparable from the nature of the business confided to those superintendents; but the trustees feel assured that no improper neglect can be rightfully charged to those officers.

In the cases of bridges at village or city streets, where there is no

State or county road, and from the repair of which, by the terms of the law, the Trust is clearly exempted, there may have been seeming delay in a few instances, resulting from a misunderstanding of the law. All urgent cases of this kind, it is believed, have been provided for, and where an obligation exists, the trustees have no disposition to evade its performance. To assume the *repair* of *street* bridges would be, as they humbly conceive, a burthen which the law does not impose, and a tax upon the trust fund not contemplated by either party to the State debt arrangement.

Under the State management, bridges were erected at all leading highways in actual use for travel *at the time of constructing the canal*, after which they were left to the care of the counties, towns or cities, to be maintained and rebuilt at local expense, and not out of the canal fund. This being, also, the well understood practice in the adjoining State of Ohio, and other States owning canals, there was no uncertainty among the people as to where the burthen rested, and no delay in assuming it. In the town of Fort Wayne, where the bridges were most decayed, those over the streets and leading State roads were rebuilt by local subscription, just prior to the passage of the State debt act, the canal fund bearing no part of the expense. The cities of Evansville and Lamsaco, at the southern terminus of the canal, have assumed the charge of keeping their canal bridges in repair, neither expecting nor desiring to tax the canal revenues with the maintainance of these structures. The city authorities of Logansport have, to some extent, followed the example of her more southern sister city.

3d. "Whether the bridge on the Chicago road, near Logansport, is yet built, and if not, the reason of such negligence."

If the trustees understand this inquiry, it refers to a road recently opened and worked upon, crossing the canal in the village of West Logan, not heretofore traveled in the vicinity of the canal. The old road has been changed, for some local reason, and a new one opened. In reply to an inquiry addressed to Chancey Carter, Esq., he writes as follows: "The road on which the bridge is to be erected is a change in that road, made since the trustees took charge of the canal. The road originally made a circuit of about three-fourths of a mile to avoid a morass. The citizens procured the change on the new route in 1849, and have expended about \$600 in making the road and bridge. The trustees, in 1850, donated \$50 towards the bridge, which I paid in the fall of that year for the hewn timber, and forwarded the voucher for that payment to the trust office at Terre Haute. The bent of the bridge, standing in the canal, was raised while the water was out of the canal in the spring of 1851, and the remaining timber nearly framed, and was nearly ready to raise, when the heavy rains fell and the work was suspended in consequence of the difficulty of handling the timber in the morass. Before the ground was sufficiently dry to commence work, some mischievous persons threw down the bent standing in the canal, and it

was, consequently, impossible to erect the bridge until the water is out of the canal *this spring*." This, I presume, is a correct history of the case, as related by an old and well known citizen of the vicinity. The work was undertaken by individuals interested, and an application was made to the trustees for aid, which was granted to the extent indicated in the letter of Mr. Carter.

4th. "To specify the comparative cost of bridges in the towns of Lafayette, Terre Haute, Logansport, Wabash, and Fort Wayne; and the reason, if any, why larger sums of money were appropriated to build the same number of bridges in some of those towns than in others?"

Four of the towns are upon the finished portion of the canal—finished before its management devolved upon the trustees—where the necessary bridges, with the *embankments*, had been built by the State, leaving nothing further to be done but the renewal of the wood work. This mere statement will make it obvious that any difference in the "comparative cost" will be explained without extended remark, for the embankment is often much the larger item in the construction of bridges. The other town named, (Terre Haute,) is on the division first constructed by the trustees, where the expense of the embankments (all new, of course,) as well as the wood work, had to be increased. In Terre Haute, no appropriation has been made for the *rebuilding* of bridges, the expenditure having been for the *original construction*, under which head the *embankments* are included, while in the four towns named north of Coal creek, no appropriation has been required for the embankments, but merely for the renewal of the wood work. From this dissimilarity of circumstances, a statement of the bridge expenditures in the towns on the finished and unfinished canal, north and south of Coal creek, would throw no light upon the question of "comparative cost." The trustees will remark, however, that a uniform plan of wooden superstructure, prepared by the Chief Engineer, has been adopted throughout the whole canal, from the State line to Evansville, and that they have been governed by the same general rules and considerations in determining the width and limiting the cost of bridges on all parts of the line. The varying length and the amount of embankments, which depend, of course, upon the locality, will account for any difference of cost that may appear. In two instances at Terre Haute, pivot bridges were substituted for the ordinary plan, the citizens agreeing to pay the difference of cost; and in rebuilding certain bridges in the towns of Fort Wayne, Logansport, and Lafayette, where the increasing business and travel required a greater width than was adopted by the State, the plan has been so changed, the citizens interested paying the difference of cost.

Taking the four towns north of Coal creek, named in the resolution, (and all of them on that part of the canal finished by the State) the sum expended in each for rebuilding the wood work only, is as follows:

In Fort Wayne, two bridges.....	\$405
In Wabash, one                   “ .....	300
In Logansport, five           “ .....	1,193
In Lafayette, two               “ .....	480

Within the town of Terre Haute, nine bridges have been built, at a total cost, including both embankments and wood work, of \$3,578. Deducting the cost of embankments, the average will be about the same as at the other towns named.

The disparity in the number of bridges in the several towns, results from the peculiar location of the canal in each case. At Fort Wayne, Wabash, and Lafayette, it runs at one side of the town, intercepting but few traveled highways, while Logansport and Terre Haute are divided into two parts, leaving a large body of the inhabitants and business on either side, requiring a greater number of bridges. At Terre Haute, the canal, as located by the State, performs more than half the circuit of the town, passing the whole length of two sides, and part way of the third side. Between the points of entrance and departure is a distance of over two miles.

Very respectfully,

Your obedient servant,

THOS. DOWLING,  
*Resident Trustee.*

On motion by Mr. Stuart,  
The report was laid on the table, and ordered to be printed.

#### PETITIONS, &C., PRESENTED.

By Mr. Hays of White:

A petition from Harrison McConnaghy, auditor of White county, in relation to the surplus revenue;

Which,

On motion,

Was referred to the committee on the Judiciary.

By Mr. Owen:

A petition from sundry citizens of the State of Indiana in relation to the suppression to religious gambling;

Which,

On motion,

Was referred to the committee on the Rights and Privileges of the Inhabitants of the State.

By Mr. Holladay of Parke,

A petition from sundry citizens of Parke and Putnam counties, asking the incorporation of the town of Portland Mills;

Which,

On motion,

Was referred to the committee on the Judiciary.

By Mr. Lawrence:

The proceedings of a meeting of the citizens of Cambridge city Wayne county, on the subject of Free Banks;

Which,

On motion,

Was referred to the committee on Free Banks.

The Speaker laid before the House the following communication and accompanying joint resolutions relative to an Agricultural Bureau at Washington city:

EXECUTIVE DEPARTMENT, }  
INDIANAPOLIS, Feb. 11, 1852. }

HON. JOHN W. DAVIS,

*Speaker of the House of Representatives:*

SIR:—You will please lay before the House of Representatives the enclosed joint resolutions of the Legislatures of the States of New Hampshire, Florida, and Rhode Island, on the subject of an Agricultural Bureau at Washington city.

Yours,

JOSEPH A. WRIGHT.

On motion by Mr. Brady,

The joint resolutions were referred to the committee on Agriculture.

By Mr. Barker:

The petition of sundry citizens of Crawford, Orange, Dubois, Pike and Gibson counties, relative to Potaka River;

Which,

On motion,

Was referred to a select committee of five.

Messrs. Barker, Graham, Cockrum, Ray and Huffstetter, were appointed said committee.

Mr. Donham moved to fill the vacancy occasioned by the resignation of Mr. Behm, a member of the Judiciary committee.

Which was agreed to.

Mr. Suit was appointed to supply said vacancy.

## REPORTS FROM COMMITTEES.

Mr. Barker, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred bill of the House No. 146, entitled "An act to attach part of the county of Gibson to the county of Pike," with the amendments, have had the same under consideration, and directed me to report the same back to the House, and respectfully recommend that it be laid upon the table, and beg to be discharged from the further consideration of the subject.

Which report was concurred in, and the bill laid on the table.

On motion by Mr. Nelson,

No. 108. A bill regarding the administration of estates of the value of five hundred dollars, or less ;

Was taken from the table and ordered to be engrossed.

The bill being engrossed,

On motion by Mr. Nelson,

The bill was read a third time.

Mr. Stover moved to recommit the bill to the Judiciary committee, with instructions to amend the bill so as to strike out "five," and insert "three," in the first section.

And the question being put,

The ayes and noes were demanded by Messrs. Hudson and Stover.

*Those who voted in the affirmative were,*

Messrs. Barker, Behm, Bulla, Buskirk, Cockrum, Cowgill, Dobson, Donaldson, English, Gookins, Graham, Hart, Hay of Clark, Helmer, Holman, Hudson, Huffstetter, Humphreys, King, Laverty, Lawrence, Marrs, Mayfield, Schoonover, Scudder, Shanklin, Stover, Struble, Taggart, Thompson, Torbet, Watson, and Mr. Speaker—33.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Beeson, Brady, Bryant, Carpenter, Chowning, Crawford, Cromwell, Dice, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Goudy, Hanna, Hays of White, Henry, Hicks, Holladay of Parke, Hostetter, Huey, Hunt, Leviston, Lewis, Lindsay of Howard, Litchfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stuart, Suit, Sumner, Sweet, Wells, Wilson, and Withers—52.



So the bill was not so recommitted with the instructions.

Mr. Gibson moved to lay the bill on the table ;

And the question being put,

The ayes and noes were demanded by Messrs. Gibson and Nelson.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Chowning, Cockrum, Cowgill, Cromwell, Dobson, Donaldson, Eccles, Geddes, Gibson, Gookins, Graham, Hanna, Hart, Hay of Clark, Helmer, Hicks, Holman, Hudson, Huffstetter, Humphreys, King, Laverty, Lawrence, Leviston, Lewis, Mayfield, McAllister, Schoonover, Scudder, Stanfield, Staton, Struble, Suit, Taggart, Thompson, Torbet, Watson, Wells, and Mr. Speaker—47.

*Those who voted in the negative were,*

Messrs. Beane, Carpenter, Crawford, Dice, Doughty, Douthit, English, Foster, Goudy, Hays of White, Henry, Holladay of Parke, Hostetter, Huey, Hunt, Lindsay of Howard, Litchfield, Marrs, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Owen, Porter, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Stover, Stuart, Sumner, Sweet, Wilson and Withers—38.

So the bill was laid on the table.

On motion by Mr. Barker,

Leave of absence was granted Mr. Walker, on account of the sickness of his family.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 166. A bill to correct a misprint in an act to amend an act entitled an act to incorporate the Indianapolis and Brownsburg Plank Road Company, approved January 18, 1850, approved February 13, 1851 ;

Was read a second time.

On motion by Mr. King,

The bill was referred to the Judiciary committee, with instructions to inquire into its constitutionality.

No. 167. A bill to provide for the inspection of tobacco ;

Was read a second time.

On motion by Mr. Carpenter,

The bill was referred to the committee on Commerce and Manufactures.

Mr. Gibson moved to print

No. 108. A bill regarding the administration of estates of the value of five hundred dollars, or less;

Which motion did not prevail.

The hour having arrived, the House proceeded to the special order of the day.

No. 59. A bill to provide for the incorporation of Rail Road Companies;

On motion by Mr. Buskirk,  
The special order was postponed twenty minutes.

No. 168. A bill relative to executions upon shares or stocks of individuals in corporations, on money deposits, general or special in banking and moneyed corporations, and to the transfer of the same, and to sequester on execution the tolls and profits of turnpike, plank road and bridge or other corporations authorized to receive tolls.

Was read a second time.

On motion by Mr. Buskirk,

The bill was referred to the committee on the Judiciary.

By unanimous consent of the House,

Mr. Stuart, chairman of the committee on the Organization of Courts of Justice made the following report:

MR. SPEAKER:

The committee on the Organization of Courts to whom was referred House bill No. 122, in relation to the organization of county boards, together with engrossed amendment of the Senate thereto, have had that subject under consideration and have directed me to report, that they respectfully recommend a concurrence on the part of the House, in the first, second and third engrossed amendments of the Senate, and your committee respectfully recommend that the House refuse to concur in the fourth and fifth engrossed amendments of the Senate.

The amendments of the committee were concurred in.

Ordered that the clerk inform the Senate thereof.

The time having arrived, the House proceeded to the special order of the day.

No. 59. A bill to provide for the incorporation of railroad companies.

Mr. Nelson moved to commit the bill to the committee on Corporations with the following instructions:

To strike out the 20th, 21st and 22d sections, and establish as the basis, in regard to the right of way, the following well digested plan of a neighboring State, section 9, of the charter of Ohio and Pennsylvania railroads—

SEC. —. Such corporation is authorized to enter upon any land for the purpose of examining and surveying its Railroad line, and may appropriate as much thereof as may be deemed necessary for its Railroad, including necessary side tracks, depots, workshops and water stations, materials for construction, except timber, a right of way over adjacent lands, sufficient to enable such company to construct and repair its road, and the right to conduct water by aqueducts, and the right of making proper drains. The corporation shall forthwith deposit with the clerk of the court of Common Pleas, or other court of record of the county where the land lies, a description of the rights and interests intended to be appropriated, and such land, rights and interests shall belong to said company to use for the purpose specified, by making payment or giving security as hereafter provided. The corporation may, by its Directors, purchase any such lands, materials, right of way, or interest of the owner of such land, or, in case the same is owned by a person insane or an infant, at a price to be agreed upon by the regularly constituted guardian or parent of said insane person or infant, if the same shall be appraised by the court in which the description aforesaid shall be filed; and, on such agreement and approval, the owner, guardian or parent, as the case may be, shall convey the said premises, so purchased, in fee simple or otherwise, as the parties may agree, to such Railroad company and the deed, when made, shall be valid in law. If the corporation shall not agree with the owner of the land, or with his guardian, if the owner is incapable of contracting touching the damages sustained by such appropriation, such corporation shall deliver to such owner or guardian, if within the county, a copy of such instrument of appropriation. If the owner or his guardian, in case such owner is incapable of contracting, be unknown, or do not reside within the county, such corporation shall publish in some newspaper of general circulation in the county, for the term of three weeks, an advertisement reciting the substance of such instrument of appropriation; upon fixing such act of appropriation and delivery of such copy, or making such publication, the court of common pleas or other court of record of the county where the land lies, or any judge thereof in vacation, upon application of either party, shall appoint by warrant three disinterested freeholders of such county to appraise damages which the owner of the land may sustain by such appropriation; such appraisers shall be duly sworn, they shall consider the benefit as well as injury which such owner shall sustain

by reason of such Railroad, and shall forthwith return their assessment of damages to the clerk of said court, setting forth the value of the property taken, or damages done to the property, the amount of benefit conferred, and the difference between the damages done to the property taken, which they assess to such owner or owners separately to be by him filed and recorded, and thereupon such corporation shall pay to said clerk the amount thus assessed, or secure the payment to the satisfaction of such court, or of the judge issuing the warrant. And on making payment or tender thereof to said clerk, or on giving such security as may be required, it shall be lawful for such corporation to hold the interests in such lands or materials thus appropriated, and the privilege of using any materials on said roadway, for the uses aforesaid, the cost of such award shall be paid by such company, and on motion by any party interested and showing said proceedings, the court may order payment thereof, and enforce such payment by execution. The award of said arbitrators may be reviewed by the court of common pleas or other court in which proceedings may be had, on written exceptions filed by either party in the clerk's office, within ten days after the filing of said award; and the court shall take such order therein as right and justice may require, by ordering a new appraisement on good cause shown, provided, that, notwithstanding such appeal, said company may take possession of the property therein described as aforesaid, and the subsequent proceedings on the appeal, shall only affect the amount of compensation to be allowed; if prior to the assessment, the corporation shall tender to such owner, or his guardian if he be unable to contract, an amount equal to the award afterwards made exclusive of costs, the cost of arbitration shall be paid equally by such company and such owner or guardian.

Mr. McDonald moved to amend the instructions as follows :

Strike out of the first section the words "twenty-five," and insert the word "fifteen."

Mr. Stover moved to amend the amendment as follows:

Strike out all after the word "charters," in the 3d line of the 45th section.

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. Stover and McDonald.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Brady, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Dice, Dobson, Foster, Geddes, Goudy, Graham, Hanna, Hart, Hays of White, Henry, Holman, Huey,

Humphreys, Hunt, Lavery, Lewis, Lindsay of Howard, Litchfield, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudgett, Nelson, Owen, Porter, Reynolds, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Staton, Stover, Struble, Stuart, Sumner, Sweet, Taggart, Wells, Wilson, Withers and Mr. Speaker—56.

*Those who voted in the negative were,*

Messrs. Behm, Bryant, Bulla, Buskirk, Cromwell, Donaldson, Doughty, Douthit, Eccles, Gibson, Gookins, Hay of Clark, Helmer, Hicks, Holladay of Parke, Hostetter, Hudson, Huffstetter, King, Lawrence, Leviston, Schoonover, Stanfield, Stevens, Suit, Thompson, Torbet, and Watson—28.

So the amendment to the amendment was agreed to.

Mr. Stanfield moved to amend the amendment as follows:

Strike out section 45.

Insert the following section:

That nothing in this act shall repeal, enlarge or diminish any of the privileges or powers conferred by any Rail Road charter heretofore granted.

Which was not agreed to.

Mr. Carpenter submitted the following amendment to the amendment:

Strike out in the 3d line of section 45, after the word condition, "and not inconsistent with their several charters."

Which was agreed to.

The question then being put on the adoption of Mr. McDonald's amendment to the instructions,

It was decided in the affirmative.

Mr. Gookins moved to amend the instructions as follows:

Amend the first section by inserting in the 7th line, after the word elect, the word "five."

Which was agreed to.

Mr. Beeson submitted the following amendment to the instructions:

"The directors of any company that may be formed under the provisions of this act, shall be liable, in their individual property, for

any debt they may contract in the name of any company as aforesaid, over and above the solvent stock of any company formed as aforesaid."

And the question being put on its adoption,

The ayes and noes were demanded by Messrs. McDonald and McDowell.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Carpenter, Chowning, Cockrum, Crawford, Dice, Dobson, Donaldson, Douthit, Eccles, Foster, Graham, Hanna, Hay of Clark, Hays of White, Helmer, Hicks, Holman, Huey, Humphreys, Lavery, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Marrs, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Mudget, Nelson, Porter, Reynolds, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stover, Struble, Sweet, Taggart, Torbet, Watson, Wells, Wilson, Withers, and Mr. Speaker—59.

*Those who voted in the negative were,*

Messrs. Cowgill, Doughty, Geddes, Gibson, Gookins, Goudy, Hart, Henry, Holladay of Parke, Hostetter, Hudson, Hunt, King, Mayfield, Owen, Shanklin, Stevens, Stuart, Suit, Sumner, and Thompson—21.

So the amendment was agreed to.

Mr. Smith of Marion moved the House adjourn.

Which motion did not prevail.

The question then recurred on committing the bill, with instructions;

And being put,

It was decided in the affirmative.

On motion by Mr. McDowell,  
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

ORDERS OF THE DAY RESUMED.

No. 169. A bill regulating descents and the apportionment of estates.

Was read a second time.

On motion by Mr. Doughty,

The bill was laid on the table, and 150 copies ordered to be printed.

SENATE BILLS ON SECOND READING.

No. 74. A bill authorizing plank roads, and turnpike companies to create a sinking fund, for the repair of said roads.

Was read a second time, and ordered to a third reading.

No. 88. An act limiting the time of grand jurors, providing a mode for their selection, defining their jurisdiction and repealing all laws inconsistent therewith.

Was read a second time.

Mr. Stuart moved to refer the bill to the committee on the Organization of Courts of Justice.

Which motion did not prevail.

Mr. Stuart moved to amend the bill by striking out "12" and "9" and insert in lieu thereof "6" and "5."

And the question being put,

The ayes and noes were demanded by Messrs. Stuart and Smith of Spencer.

*Those who voted in the affirmative were,*

Messrs. Barker, Beeson, Bulla, Carpenter, Dobson, Douthit, Geddes, Gibson, Graham, Hanna, Helmer, Henry, Hicks, Holman, Lawrence, Leviston, Lewis, McConnell, Miller, Morris, Mudgett, Porter, Schoonover, Scudder, Smith of Marion, Smith of Spencer, Stuart, Thompson, and Torbet—29.

*Those who voted in the negative were,*

Messrs. Beach, Beane, Behm, Brady, Bryant, Buskirk, Chowning, Cockrum, Cowgill, Crawford, Cromwell, Dice, Donaldson, Doughty, Eccles, Foster, Gookins, Goudy, Hart, Hay of Clark, Hays of White, Holladay of Parke, Hostetter, Hudson, Huey, Huffstetter, Hunt, King, Laverty, Lindsay of Howard, Litchfield, Marrs, Mayfield, McAllister, McDonald, McDowell, Nelson, Reynolds, Shanklin, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Watson, Wells, Wilson, Withers, and Mr. Speaker—52.

So the amendment was not agreed to.

Mr. Hay of Clark submitted the following amendment:

Amend in the 14th section—

Strike out the word “only” and insert the words “and misdemeanors.”

Which was not agreed to.

The bill was then ordered to be engrossed.

House bill,

No. 39. A bill to legalize the action of school commissioners in cases where the tax duplicates have been made out before the taking effect in these counties of the school law of 1849;

Came up, and was ordered to a third reading.

House bill

No. 150. A bill to provide for the public printing and binding, distribution of the laws and journals and the publication thereof in the news-papers;

Came up.

The question pending, being on the adoption of Mr. Smith's amendment to the amendment of Mr. Buskirk:

“To strike out all in the bill and title requiring the laws to be printed in the different newspapers throughout the State.”

And the question being put,

It was decided in the negative.

The question then being put on the adoption of Mr. Buskirk's amendment “to strike out that part of the bill requiring the Secretary of State to make out indexes of the journals of the Senate and House,” and insert “the Principal Secretary of the Senate and the Principal Clerk of the House shall perform that duty.”

The ayes and noes were demanded by Messrs. Smith of Marion and Buskirk.



*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Buskirk, Downing, Cowgill, Crawford, Dice, Dobson, Donaldson, Doughty, Eccles, Geddes, Gibson, Gookins, Goudy, Hanna, Hay of Clark, Heller, Hicks, Holladay of Parke, Holman, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Lavery, Lawrence, Leviston, Litchfield, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Nelson, Porter, Reynolds, Shanklin, Smith of Marion, Smith of Spencer, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Taggart, Torbet, Watson, Wells, Wilson, and Mr. Speaker—59.

*Those who voted in the negative were,*

Messrs. Brady, Bulla, Carpenter, Cockrum, Douthit, Foster, Gram, Hart, Hays of White, Henry, Hostetter, Lewis, Lindsay of Loward, Miller, Morris, Mudgett, Schoonover, Scudder, Staton, Struble, Thompson, and Withers—23.

So the amendment was adopted.

Mr. Brady submitted the following amendment to the 9th section:

Amend section 9, by striking out all after the word "volume," in the 3d line, and insert in place of the matter struck out the following section:

SEC. —. It shall be the duty of the Secretary of State, sixty days prior to the meeting of each session of the General Assembly, by giving thirty days' notice thereof in two of the newspapers of Indianapolis, to the lowest responsible bidder, the folding and stitching of the reports and bills, and the binding of the laws, journals, of the two Houses of the General Assembly, and the documentary journal, in substantial half binding; the general and local laws to be bound in one volume; the amount to be certified, audited and paid as is provided in the case of public printing.

Which was agreed to.

On motion by Mr. Smith of Marion,

The vote by which the House rejected the amendment of Mr. Smith of Spencer, was reconsidered.

Mr. Hart moved to amend the original bill by striking out "all county papers," and insert "one paper in each county having the largest circulation."

Which motion did not prevail.

The question then being put on the adoption of Mr. Smith of Spencer's amendment,

The ayes and noes were demanded by Messrs. Smith of Marion and Smith of Spencer.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Gibson, Goudy, Graham, Hanna, Hart, Hays of White, Helmer, Henry, Hicks, Hostetter, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lewis, Lindsay of Howard, Litchfield, Marrs, McAllister, McConnell, McDonald, Miller, Morris, Schoonover, Scudder, Shanklin, Smith of Spencer, Stanfield, Staton, Struble, Suit, Sweet, Taggart, Thompson, Watson, Wells, Withers and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Geddes, Gookins, Hay of Clark, Holladay of Parke, Holman, King, Lavery, McDowell, Nelson, Porter, Reynolds, Smith of Marion, Stevens, Stover, Stuart, Sumner, and Torbet—17.

So the amendment was adopted.

Mr. Smith of Marion submitted the following amendment to the bill:

Amend the 6th section by striking out "forty" in the 2d line, and inserting "forty-five." Strike out "sixty" and insert "sixty-seven" in the 3d line; and strike out "seventy-five" in the same line and insert "ninety;" and strike out "thirty-five" in the 4th line and insert "forty-five;" and strike out all after the words "other forms" in the same line, and insert "and the Secretary of the State shall contract for the folding and stitching of the documents, reports, and bills published by order of either House."

Mr. Brady moved to amend the amendment of Mr. Smith of Marion by striking out the last four lines of the amendment;

Which was accepted by Mr. Smith.

Mr. Torbet moved to recommit the bill to a select committee of five;

Which motion did not prevail.

The question being put on the adoption of Mr. Smith of Marion's amendment,

It was decided in the negative.

Mr. Donaldson submitted the following amendment to the bill:

Amend by adding—

SEC. —. It shall be the duty of the Secretary of State to cause to be published in each weekly newspaper in this State, the law to provide for a uniform system of common schools, the entire revenue laws, the law for the encouragement of agriculture, and the laws

providing for the election of State, county and township officers; and the publisher of said newspaper shall be allowed at the rate of thirty cents per thousand ems for such publication.

SEC. 22. It shall be the duty of the auditor of the county in which a newspaper or newspapers are published, to read and compare said laws so published, and see that they are printed correctly; and he shall also examine the account of said publisher, and if he find the same correct, he shall issue a warrant for the amount, and the same shall be paid out of the county treasury.

SEC. 23. *Provided, however,* The last two sections of this act shall not apply to the laws passed at the present session, but it shall be the duty of the Secretary of State to forward three copies of the acts of this session to each county auditor, and it shall be discretionary with the board of county commissioners, to publish the same, or not, and if such publication be made, the rates before named shall be allowed, and the account of such publisher or publishers shall be audited and paid out of the county treasury upon warrant issued by the auditor of such county: *Provided, further,* That such publication shall not be made in more than three newspapers in any one county.

Mr. Douthit moved to lay the amendment on the table;

And the question being put,

The ayes and noes were demanded by Messrs. McDowell and Graham.

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bul-  
la, Buskirk, Carpenter, Chowning, Cockrum, Dice, Dobson, Doughty,  
Douthit, English, Foster, Gibson, Goudy, Graham, Hart, Hay of Clark,  
Hays of White, Helmer, Henry, Hudson, Huey, Huffstetter, Humph-  
reys, Hunt, Lavery, Lawrence, Leviston, Lewis, Lindsay of How-  
ard, Litchfield, Marrs, Mayfield, McAllister, McConnell, McDonald,  
Miller, Morris, Owen, Schoonover, Scudder, Smith of Spencer, Stan-  
field, Staton, Struble, Stuart, Suit, Sumner, Sweet, Taggart, Thomp-  
son, Watson, Wells, Wilson, Withers, and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Cowgill, Crawford, Donaldson, Eccles, Geddes, Holladay  
of Parke, Holman, Hostetter, King, McDowell, Nelson, Porter, Rey-  
nolds, Shanklin, Smith of Marion, Stover, and Torbet—17.

So the amendment was laid on the table.

Mr. Humphreys called the previous question.

Which was not ordered.

Mr. Lewis submitted the following amendment :

To modify the first section so as to make it the duty of the State officers to let out the public printing once in four years to the lowest responsible bidder.

Which was not agreed to.

Mr. Smith of Marion submitted the following amendment :

Strike out "the qualified voters of this State," in the fourth line of the first section, and insert, "a joint viva voce vote of the General Assembly of the State."

Strike out "General Assembly," in the first line of the second section, and insert, "Governor;" and insert after the word "shall," in the same line, "in case the Legislature be not in session."

Which,

On motion by Mr. Douthit,

Was laid on the table.

Mr. Humphreys called the previous question,

Which was seconded, and the main question ordered.

The main question being, shall the bill be engrossed,

And being put,

It was decided in the affirmative.

#### HOUSE BILLS ON THIRD READING.

No. 164. A bill to repeal an act, entitled an act, to amend an act authorizing the construction of Plank Roads, approved January 15, 1849, approved January 14, 1850.

Was read a third time.

The question being, Shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Crawford, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, Lawrence, Leviston, Lewis, Litchfield, Marrs, Mayfield, McAllister, McConnell, McDonald, McDowell, Miller, Morris, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer,

Stanfield, Staton, Stevens, Stover, Struble, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Watson, Wells, Wilson, Withers, and Mr. Speaker—77.

*Those who voted in the negative were,*

Messrs. Brady, and Lindsay of Howard—2.

So the bill passed.

Ordered that the clerk inform the Senate thereof.

No. 165. A bill for the repeal of an act, limiting the fees of the Auditor, in the county of Marshall.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Chowning, Cockrum, Cowgill, Dice, Dobson, Donaldson, Doughty, Douthit, Eccles, Foster, Geddes, Gibson, Gookins, Goudy, Graham, Hanna, Hart, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holladay of Parke, Holman, Hostetter, Hudson, Huey, Huffstetter, Humphreys, Hunt, King, Laverty, Lawrence, Leviston, Lindsay of Howard, Marrs, Mayfield, McAllister, McDonald, McDowell, Miller, Morris, Nelson, Owen, Porter, Reynolds, Schoonover, Scudder, Shanklin, Smith of Marion, Smith of Spencer, Stanfield, Staton, Stevens, Stover, Stuart, Suit, Sumner, Sweet, Taggart, Thompson, Torbet, Watson, Wells, Wilson, Withers, and Mr. Speaker—77.

No person voted in the negative.

So the bill passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Laverty, from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled bills have this day presented to the Governor, for his approval, enrolled bills of the House numbered 89, 129 and 135. Also, enrolled joint resolutions of the House numbered 10, 16 and 23.

Mr. Suit, chairman of the committee on Engrossed bills, made the following report :

MR. SPEAKER :

The committee on Engrossed bills have examined engrossed bill of the House No. 108, and find it correctly engrossed.

Mr. Suit, chairman of the committee on Engrossed bills, made the following report :

MR. SPEAKER :

The committee on Engrossed bills have examined bills of the House Nos. 164 and 165, and find them correctly engrossed.

On motion by Mr. Hay of Clark,  
The House adjourned.

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SATURDAY MORNING, 9 o'clock, }  
February 21, 1852. }

The House met.

The Journal of the preceding day was read.

#### PETITIONS, &C. PRESENTED.

By Mr. Behm :

The remonstrance of sundry citizens of Tippecanoe county, against the repeal of the law giving liens upon boats, &c.

Which,

On motion,

Was referred to the same select committee heretofore appointed on that subject.

By Mr. Miller :

Two temperance memorials from sundry citizens of Marshall county ;

Which,

On motion,

Were referred to the committee on Temperance.

## REPORTS FROM COMMITTEES.

Mr. Doughty, from the committee on Commerce and Manufactures made the following report:

MR. SPEAKER:

The committee on Manufactures and Commerce to which was referred a resolution of the House, to establish a standard weight for mineral coal, have had the same under consideration and directed me to report the following bill and recommend its passage.

No. 170. A bill for the regulation of weights and measures.

Which was read a first time, and passed to a second reading.

The Speaker laid before the House the following communication and report from Rev. J. Mitchell, in obedience to a resolution of the House:

INDIANAPOLIS, Feb. 21, 1852.

Hon. J. W. DAVIS,

*Speaker of the House of Representatives  
of the General Assembly of the State of Indiana:*

DEAR SIR:—I have the honor to acknowledge the receipt of the resolution of inquiry, in relation to our State colonizing our colored people on the Western coast of Africa, which was adopted by your branch of the General Assembly on the 3d inst.

And I herewith respectfully submit an answer thereto.

Yours with great respect,

JAMES MITCHELL,  
*Agent Colonization Society.*

INDIANAPOLIS, February 21, 1852.

*To the Hon. Speaker and Members of the  
House of Representatives of the State of Indiana:*

GENTLEMEN:—I hereby acknowledge the receipt of your resolution of inquiry in relation to African colonization, communicated by your clerk on the 4th inst. And with great pleasure, I will try and answer the inquiries found therein to the best of my ability.

You desire to know *the proper point for a new settlement*, should such an one be formed by your State; what *the location, cost, fertility and health* thereof, together with the general character of *the soil of Liberia, natural productions, climate and character of the inhabitants*, and *nature of their government*.

And likewise *the cost of transporting emigrants, the number that will likely go from our State, the number of colored persons in this State, and the inducements or reasons for sending our colored people to Africa*.

1st. In answer to your first question we will say, that should you resolve to found a new settlement on the western coast of Africa, in my opinion, Grand Cape Mount is the best place for such a settlement. This is one of the most prominent points on that coast, the country around is high and rolling, and remarkably well watered, being likewise very fertile. Cape Mount is a bold head land, rising gradually to an elevation of 1,060 feet above the level of the sea; those high lands are covered with a heavy forest. Within a few miles of the Cape the Passou, or Cape Mount river discharges itself into a small bay, formed by the projection of Cape Mount on the south and Manna point, eight miles above on the north; into this bay another river, the Sugary flows. These streams are not of the first class, but they are navigable for boats some distance from the mouth.

The most western point of this cape is in latitude 6 deg. 44 min. 25 sec. north, and in 11 deg. 23 min. 16 sec. west longitude, and it is about 50 miles west north-west of Monrovia, the capital of the Republic of Liberia.

Grand Cape Mount is generally the first point of land that meets the eye of our emigrants as they approach the African coast, on their voyage to Liberia, and from its northern location and natural advantages, it must become one of the most important commercial points in Liberia. Indeed, it has always been a place somewhat noted for trade, and thousands of dollars have changed hands annually at that point, it being a few years ago a notorious and successful slave mart, costing the United States, England and France, much trouble to watch it.

Of this country, J. N. Lewis, then Secretary of State for Liberia, writes in the following strong terms: "Should we ever succeed in making a purchase of that country, it will be at a very dear rate. The people are far more intelligent than any of the tribes within our jurisdiction; their state of living is very expensive, and I am quite certain that they would charge \$5,000 at least for it,—and so it will be for any of the territories lying between it and the Sherbro river," (which borders the English settlement on the south.) "We cannot say how far it extends into the interior; it is a very large and beautiful country, and I presume the people near the sea will say that it extends back a great distance."

About two years ago, President Roberts negotiated with the own-



ers for this country, and closed a contract with them; but we have good reason to suppose that he has not been able to furnish all the money necessary to pay the price stipulated. If those *well grounded* suppositions are correct, we have no doubt but arrangements can be made by which Indiana can become a party to the purchase, and secure a given section on the land register of Liberia, to be set to the credit of emigrants from this State, on which our State authorities may draw from time to time, by issuing certificates, or land warrants, to such of our colored people as may emigrate.

Of the above location, President Roberts thus writes to us: "There are several locations within our jurisdiction between this place and Sierra Leone, for settlements, and may be occupied at the shortest notice. I would recommend Grand Cape Mount, which is a fertile and well watered country, and possesses many inducements or natural advantages to new emigrants; and the natives are exceedingly anxious to have an American settlement near them. I presume there will be no difficulty in obtaining these, or at any point in that direction, any quantity of land you may wish for emigrants coming from Indiana."

In addition to the above, I will subjoin some extracts of letters, addressed to me by W. W. Finley, a colored man, who emigrated from this State, and M. H. Smith, who has been in Liberia nine years, and is now a member of the Liberia Legislature. Those men say in a joint letter, written August 30th, 1851,—“we had contemplated recommending an interior settlement, but we have changed our views, as there is not a sufficient water passage; therefore we would recommend Grand Cape Mount, as there is land in abundance for all the western States, to have their different settlements and name them after each State; that is the best place on the coast according to our view, as it is high and healthy, the land being fertile, there being likewise a fine river, and a good harbor. This point is sufficiently distant from Monrovia to form a new county.”

Mr. J. Ashmon, represents the inhabitants of this country as superior to their southern neighbors “in intellectual endowments, urbanity of manners, profound dissimulation,” and because of “their profession of the Mohomedan faith, they being the dividing tribe between Mohomedan and Pagan Africa; he represents them as remarkable for sobriety, perseverance, activity and avarice, and likewise for extreme jealousy of the interference of strangers either in their trade, or in their territorial jurisdiction, or their civil affairs.” The name by which this tribe is known is the Fey or Vey nation, and their number is about ten or fifteen thousand. A nation called the Day tribe occupies the territory between Cape Mount and Monrovia, who are far inferior to the Veys in every respect; they are a Pagan tribe about ten thousand in number.

In the time of Ashmon the trade of Cape Mount and country adjoining was stated at “*fifty thousand dollars.*”

2. *The cost* of territory at Grand Cape Mount, or in the neigh-

borhood, must be governed by the first cost and contingent expenses.

We find a letter from President Roberts, stating the terms of purchase, published in the Appendix to the Report of the Naval Committee on the subject of the contemplated time of transports to Africa. We will give a few extracts from that letter :

“MONROVIA, May 17th, 1850.

“I have just returned from the windward coast, and I avail myself of the opportunity to send you a hasty note, to say that we have at length succeeded in securing the famed territory of Gallinas to this government, including all the territory between Cape Mount and Shebar, excepting a small strip of about five miles of coast in the Kellou country, which will also soon fall into our hands.

“For these tracts, we have incurred a large debt, and we confidently look to you to aid us in meeting these liabilities at maturity. Had I not deemed it absolutely important to secure the Gallinas, to prevent the revival of the slave trade there, I would not have paid the price demanded. The purchase of *Gallinas and neighboring tracts will cost us about \$9,500.*

“The chiefs were aware of the object of the purchase, and urged strenuously the sacrifice, as they considered it, they must make in abandoning forever the slave trade—and demanded a large sum as an equivalent. In addition to the amount stated above, we have obliged ourselves to appoint commissioners immediately to settle the wars in the country, (*should any occur,*) and open the trade in camwood, ivory and palm oil, with the interior tribes; and also settle amongst them, as soon as convenient, *persons capable of instructing them in the arts of husbandry.* This will also cost us a considerable sum, which will, no doubt, be returned in the end by the advantages the trade will give. Still, the present outlay will be, I fear, more than equal to our ability.”

The section of country thus purchased, from its southern limits, on the confines of the old settlements, to its northern limits on the borders of Sierra Leone, is about 200 miles in extent along the coast, and about 50 miles back. If we state the first cost at \$10,000, the cost per mile will be \$50. Nor is this much higher than has been paid in former contracts with the natives. We have just examined the copies of three deeds made to the authorities of Liberia, in 1848, by tribes living south of Monrovia; and the following is the rate of purchase per mile coast-ways and forty miles deep: one section at \$30 40 per mile; another at \$75 per mile; and the third at \$96½ per mile. From this statement it will be well to calculate on paying something over \$50 per mile for such as you may buy.

3. The third point—the *fertility* of the country around Cape Mount—has been fully answered in the above communications of

Roberts, Lewis, Finley and Smith, who all concur in representing it as a delightful and desirable country.

4. On their evidence, likewise, we must believe it to be a *healthy region*; and the fact that the native tribes who formerly owned the country, were the most warlike, robust and intelligent of all tribes on that coast, is strong proof that the climate at that point is congenial to human life, health and vigor of mind.

5. The next point presented is the character of the *soil of Liberia*. Liberia, extending as it does, about 600 miles along the coast, from the southern limit of Sierra Leone, to the southern limit of the Cape Palmas, or Maryland Colony, must needs embrace quite a variety of soil, differing in appearance, quality and productiveness.

"That of the uplands, though generally much inferior to that of the low lands, is better adapted for some articles. The upland soil usually consists of a reddish clay, more or less mixed with soft rocks and stones, containing considerable quantities of iron. There are three kinds of lowland soil, one of which is that on the banks of the rivers, within a few miles of the sea: this consists of a loose, deep, black mould, which is peculiarly adapted to the growth of those kinds of vegetables which thrive best during the dry season. Another variety is that which is generally found extending back from the banks of the rivers, further from the sea than the first named: it consists of a light clay, more or less tempered with sand, and is well adapted to almost every kind of vegetables which thrive in tropical climates. The third quality is that of the low lands, in the immediate vicinity of the ocean, consisting principally of sand, and it is really astonishing to perceive how well many vegetables will grow in this kind of soil, even within fifty yards of the ocean in some places."

The above remarks are drawn from a series of articles, published a short time past by Dr. J. W. Lugenbell, who for many years was the principal physician in Liberia, and likewise acted as American agent for the care of recaptured Africans. His statements on those points are founded on careful and long observation.

In addition to these remarks, we will give an extract from a communication of Mr. Ashmun, one of the first Agents of the Colonization Society, who spent many years in Liberia, and was the principal instrument, under a wise Providence, in giving stability to the foundations of the colony. The communication referred to, is a manual called the *Liberia Farmer, or Colonist's Guide*, addressed to the colonists, the truthfulness of which has never been questioned. He says:

"The soil of Liberia depends for its quality much on the situation of the lands. The uplands have two varieties of soil. The first is that strong and deep mould which is always found where the hard, brown granite rocks are most numerous. This soil is certainly very capable of being turned to a very profitable account. Observe everywhere in the beds of those rocks, the thrifty and strong growth of timber. The largest trees are commonly found in such situations.

This is, however, a wet season soil, and must not be expected to give you a crop in the dry months. I shall call this *the strong upland soil*.

"The other species of upland soil is of a much inferior quality. It consists of a reddish, clayey earth, everywhere more or less mixed with soft, rust-colored rocks, stones and gravel. The red color of the soil and rocks is caused by the rust of the iron particles intermingled with it. Manure may in time render it productive; but the best mode yet discovered to fertilize this soil is to burn over the surface in clearing the land, and to spread small quantities of ashes or lime over it, after the first crop. I shall distinguish this as *the weak upland soil*.

"There are three sorts of lowland soil. The first and richest is that formed on the sides of the rivers, and from the wash of the uplands it is always wet during the rains, and consists of a loose, deep, black mould, and is entirely free from rocks and gravel. This soil will produce any crop which you choose to plant, but is especially adapted to early rice, and to all those vegetables which thrive in dry seasons. I shall call this *the black lowland soil*.

"The second variety of soil in the bottom land I shall name *the stiff clayey soil*. It consists of a lightish colored clay, sometimes a little tempered with coarse sand. It is the subject of the extremes of wet and drought; but produces good crops, and may be much improved by manuring.

"*The sandy soil* is the third variety found in the level country. It is most prevalent wherever the land has, in course of time, gained upon the ocean, or channels of rivers. It is a light, warm soil, and will yield only slender crops without manure. Sweet potatoes, beans, cassada, and succulent fruit trees, will succeed best in it."

In another part of the manual on agriculture, from which the above is taken, Mr. Ashmun thus addresses the colonists:

"The flat lands around you, and particularly your farms, have as good a soil as can be met with in any country. They will produce two crops of corn, sweet potatoes, and several other vegetables, in the year. They will yield a larger crop than the best soils in America, and they will produce a number of very valuable articles, for which in the United States, millions of money are every year paid away to foreigners. One acre of rich land, well tilled, will produce you three hundred dollars' worth of indigo. Half an acre may be made to grow half a ton of arrow root. Four acres laid out in coffee plants will, after the third year, produce you a clear income of two or three hundred dollars. Half an acre of cotton trees will clothe your whole family, and, except a little hoeing, your wife and children can perform the whole labor of cropping and manufacturing it. One acre of cane will make you independent of all the world for the sugar you use in your family. One acre set with fruit trees and well attended, will furnish you the year round with more plantains, bananas, oranges, limes, guavas, pawpaws, and pine apples,

than you will ever gather. Nine months of the year, you may grow fresh vegetables every month, and some of you who have lowland plantations may do so throughout the year."

The general correctness of the above remarks is thus endorsed by the Rev. R. R. Gurley, who was sent out by President Taylor to obtain information in regard to Liberia. After quoting, in his report, the above paragraph, he says :

"My observations on the banks of the rivers of the Republic, (especially the St. Paul's, the St. John's, and the Sinou,) along both sides of Stockton Creek, and among the gardens of Monrovia, and the plantations in its vicinity, confirmed my belief in the general correctness of this statement."

6. Your next inquiry relates to the *natural productions of Liberia*. We will answer this, partly by quoting the language of Dr. Lugubell, and partly that of Ashmon.

"Nearly all the different kinds of grain, roots, and fruits which are peculiar to inter-tropical climates thrive well in Liberia; and many garden vegetables which belong more properly to temperate climates may be raised, in quality not much inferior to the same kind of articles produced in climates peculiarly adapted to their growth." But the principal articles of produce, and which are destined to be the great staples of that country are rice, cotton, sugar, and coffee; to which must be added, "corn, capada, yams, sweet potatoes, arrow root, Lima and other beans, peas, cabbages, turnips, beets, carrots, tomatoes, cymplings, chiota, ochra, cucumbers, many varieties of pepper, ground nuts, palma christi, the India rubber tree, the croton oil tree, and the palm tree, and among their fruits the Liberians number the orange, lemon, limes, guava, pine apple, plantain, banana, tamarinds, rose apples, pomegranates, cherries, cocoa nuts, pawpaws, mango plums, alligator pears, patango, bread fruit, arellous, and various valuable vegetables and fruits of the tropics. Most of these have I myself seen growing luxuriantly in the gardens and farms of the republic."

"According to the late Mr. Buxton, whose researches on the subject of the agricultural and commercial resources of Africa were very accurate and extensive, of dye-woods there are an abundance, yielding carmine, crimson, red, brown, brilliant yellow, and blue; of gums, there are copal, senegal, mastic, and sudan or Turkey gum. The she or butternut is hardly less valuable than the palm nut. The tree producing it is said to extend over a large portion of the continent. Park thought the butter made from it superior to that made from cow's milk."

"No country in the world is more amply enriched than this is with the chief productions of the animal and vegetable kingdoms. The ground nut yields a pure golden colored oil of a pleasant taste, and has been sold as high as £50 per ton, (about \$240.) The castor nut grows wild on the banks of the Gambia and elsewhere. The ginger of Africa is particularly fine and high-flavored; it yields about

sixty for one, and the people only want method for preparing it for the European market."

"The woods of this continent are extremely valuable. Travelers enumerate not less than forty species of timber, which grow in vast abundance, and are easily obtained; such as mahogany, lignumvitæ, rose wood, &c., &c."

"With few considerable exceptions the whole line of coast in Western Africa accessible to trading vessels, presents immense tracts of lands of the most fertile character, which only require the hand of industry and commercial enterprise to turn into inexhaustible mines of wealth."—*Gurley's Report*.

The rivers of Liberia are the St. Paul's, St. John's, the Junk river, Half Cape Mount, Mechlin, the New Cess, the Grand Cess, the Sanguen, the Sinon; and in the new purchase there is the Gallinas, Solyman, Manna, Sugury, and Grand Cape Mount river; to which we may add the Shebar. The rivers of Liberia are not very large, although some of them are from one-fourth to three-fourths of a mile wide, for fifty miles or more from their entrance into the ocean.

A graphic description of the general aspect of the country is given in the following language by Rev. J. Day, the superintendent of the Southern Baptist Mission, who resides in Bexley, on the St. John's, and who has explored the interior for seventy or seventy-five miles:

"From seven to twenty miles, the country is beautifully undulating, and interspersed with the most lovely rills of excellent water, clear as crystal, foaming and scolding among the rocks, presenting a thousand mill seats. The air in that region is salubrious and bracing, the soil deep and rich, covered with a forest which, for the height and size of the trees, I have never seen equalled. From twenty to thirty miles is a region of small mountains, of from three to five hundred feet in elevation. These mountains are covered with a rich forest, and may be cultivated. I have stood on the summit of one of them cultivated to the top, and thence beheld a delightful prospect. Beyond these hills, or mountains as we call them, the land becomes generally more level to the distance of seventy miles, the extent of my interior travels. I am told by the natives that a day's walk beyond are loftier mountains, which it will require a whole day to ascend, and very steep. If this is the case, the country I speak of is a valley. The soil of the whole distance is rich, water abundant and good, and the cause of disease is no more apparent than in level regions in America. If our people want health, they may as surely obtain it in the mountainous region as by trans-Atlantic trips. I have left home in bad health, on preaching tours of two or three weeks, and returned vigorous and strong. The birds sing more sweetly there, and the flowers are more beautiful and fragrant than in the marshy region bordering on the sea. The natives are more industrious, honest, happy, and hopeful every way in that

region. To thousands in that forest-clad region have I preached while they were as attentive even as congregations in America."

"The principal domestic animals in Liberia are cows or black cattle, sheep, swine, geese, turkeys, ducks, and chickens. Horses are plentiful in the interior, within three hundred miles of the coast, but they do not thrive well in the settlements, in consequence, principally, of the want of proper management."

7. *The climate* is congenial to those who inhabit that country, and there is nothing essentially destructive to life or health therein, but the general testimony is that the native tribes, and those American settlers who have been acclimated, enjoy good health.

Mr. Gurley, in his report, says: "From my own experience of two months on the coast of Liberia, I may be allowed to say that my impressions of the African climate are more favorable than those I had derived from books; for though our arrival occurred during the latter portion of what is called the rainy season, and we continued on the coast during most of the transition period from that to the dry season; the weather was generally clear and pleasant, and we were seldom deterred for an entire day from visiting the shore, or from moderate physical exertion."

"No one can look upon the athletic, finely proportioned and developed forms of native Africans, or upon a congregation of the inhabitants of Monrovia, or of the other towns and villages of the Liberian Republic, and retain the idea that health cannot be enjoyed on the African coast. The general aspect of the people of Liberia is health, and I am convinced, from much observation and many inquiries, that the dangers of the climate to colored emigrants are becoming less and less formidable, and that soon they will to a good degree, be averted by the cultivation of the soil, an appropriate regimen, and increased medical experience and skill."

To the above we will add the testimony of Dr. Lugenbell.

"On the whole, I regard the climate of Liberia as decidedly pleasant, notwithstanding the scorching rays of the tropical sun, and the "abundance of rain" which falls during the year, especially during the months of June, July, September, and October. So far as the pleasantness of the climate and weather is concerned, I would decidedly prefer a residence in Liberia to one in any part of the United States.

"The extreme of the thermometrical state of the atmosphere may be set down at 65 degrees and 90 degrees. I have never heard of the mercury in a good thermometer having sunk below the former, nor arisen above the latter point in the shade. The average height of the mercury, during the rainy season, may be set down at about 76 degrees, and during the dry season at 84 degrees. The mean temperature for the year is about 80 degrees."

From these figures it will be seen that the heat of Liberia is not excessive, nor is it as great as that of some points in the south of our own country, where the thermometer frequently stands as high

as 90 deg.; add to this the fact that cold winters, cold nights, and the cold and snow of this country are unknown there, and we will be able to comprehend the reason why those who have visited Liberia consider the climate desirable.

8. As to the *character of the inhabitants* of a country, we generally form a correct opinion by examining their institutions; and if we are thus to judge the Liberians, we must form a high opinion of them; for their institutions, so far as formed, are of the most liberal and enlightened character, and the people themselves have made a very favorable impression on the minds of those who have visited them. In evidence of which, I will quote a few extracts:

"They (the colonists) considered that they had started into new existence, felt proud of their attitude, and seemed conscious that while they were founders of a new empire, they were prosecuting the noble purpose of the regeneration of the land of their fathers. I was pleased to observe that they were impressed with the importance of education, not only for their own children, but for those of the natives. That there are many vast resources yet undeveloped in Liberia, no one can doubt; and that they will soon be brought forth and made available by the enterprise and intelligence of the colonists, is equally unquestionable."—*Capt. Kennedy, U. S. Navy.*

"Nothing struck me as more remarkable than the great superiority in intelligence, manners, conversation, dress, and general appearance in every respect, of the people over their colored brethren in America. I saw no intemperance, nor did I hear a profane oath uttered by any one. I know of no place where the Sabbath appears to be more respected than in Monrovia. Most of the settlers appear to be rapidly acquiring property."—*Capt. Abels, Emigrant Ship.*

"The youth of the colonies discover an eager desire for improvement; and their progress, considering their opportunities, is almost incredible. Among the young men of Monrovia there is a larger proportion of good accountants and elegant penmen, than in any town (American) of his acquaintance."—*Gov. Buchanan.*

"The character of these industrious colonists is exceedingly correct and moral; their minds strongly impressed with religious feelings; their manners serious and decorous, and their domestic habits remarkably neat and comfortable. The complete success of this colony is a proof that negroes are, by proper care and attention, as susceptible of the habits of industry and the improvements of social life, as any other race; and that the melioration of the condition of the black people on the coast of Africa, by means of such colonies, is not chimerical."—*A British Naval Officer.*

9. "*The Government of Liberia* is based on the principles of republicanism; and in every essential particular it may be regarded as a miniature representation of the Government of the United States; the only particular point of difference being in the name of the national assembly, which is styled Legislature instead of Congress, and in the time of service of the principal officers of the Government.



The President is elected by the popular vote for two years, and he is eligible to re-election. The Senators, of whom there are two from each county—six in all—are elected for four years, and the Representatives, of whom there are eight in all, are elected for two years. The only cabinet officers who have yet been commissioned are the Secretaries of State and of the Treasury, and the Attorney General. All the officers of justice are appointed by the President with the consent of the Senate. The judicial power of the republic is vested in a Supreme Court, a court of quarter sessions in each county, and magistrate's courts, which meet monthly. No white person is allowed to become a citizen.”—*Dr. Lugenbell.*

Such is the country, and such are the institutions of the land to which you are about to transfer your people of color.

10. *The cost* of transporting emigrants and finding them in provisions for six months, will average about \$50 per emigrant. This has been considered all sufficient to provision them during the voyage, and give them a reasonable start in Liberia. But sound policy will dictate a liberal course in regard to such as go from this State, and therefore we should raise the above estimate as much as possible.

11. *The number* of colored persons living in Indiana at this time is about ten thousand. If those people would remove to Liberia, they are sufficiently strong to lay the foundation of a new State of respectable size; and amongst them they can number some men of decided ability, who would control a republic much better than some of our French neighbors.

12. *As to the number* that will likely go to Liberia. I will just say that the number is great in Indiana, and becoming greater every year. I have letters of application for a passage to Liberia from colored men who must represent at least over 75 individuals. In all cases I have requested the applicants to abide the action of the State in the case, as I believed there was benevolence enough in our statesmen to meet their reasonable demand for a removal. I will subjoin a few extracts from letters on the subject: “I write,” says one, “to inquire when, and from where the Liberian emigrants embark for Liberia, and all the particulars for an outfit for the trip, as I and several others have determined to go the first opportunity.”

“Daviness county, Jan. 26th, 1852.”

“This is to inform you of my intention to leave this place for the coast of Africa, and not knowing to which point I shall go, I would like you to give me some information as to the situation of places in Liberia, as well as the necessary preparation and provisions to be made for a journey to that country, the time of sailing of the next vessel, and where from.

“Tippecanoe county, July 23d, 1850.”

Another thus writes: “I am determined, if life lasts, to be ready to start in the next expedition. I have about closed up my business here.”

“Lafayette, March 14th, 1851.”

A fourth thus closes an appeal to the writer, begging a passage to Liberia: "I submit this letter to your judgment and consideration, and hope that the friends of Liberia will lend us a helping hand, and enable those that have the desire to emigrate, to go; and be assured that I for one appreciate the efforts you have made."

"Vincennes, June 23d, 1851."

We have no doubt that the number of such applications will increase from year to year until the tide of emigration is reversed, and rolls back from the new world to the old, carrying with it salvation for Africa.

As to *the inducements* or reasons for sending colored people to Africa; they are numerous, but they may be compressed into two arguments, which I will respectfully submit.

The first is *the general degradation of the African race, and the remedy.*

The second is, *the separation of the white and colored races of North America is just and politic.*

#### DEGRADATION OF THE DIFFERENT MASSES CONSIDERED IN REGULAR ORDER.

In casting the eye over the world we find, here and there, large masses of human beings of African origin; but we find little in those masses that is of an elevated character. Few, very few, are the bright spots found under African rule, which can relieve the general scene of negro degradation.

Another thing that meets the eye of the casual observer is the indifference of the civilized world to this state of degradation, but especially the indifference of our own nation to this subject. With coolness and indifference we behold over one hundred and fifty million human beings sunk in ignorance and servitude; and too many of us are disposed to let them riot in the mire of their degradation, rather than put forth the hand of the samaritan, or drop one tear of pity over their wrongs.

It is true, there is an advance in public feeling and opinion, which is favorable to the colored race; but it has been forced upon us by a series of providences that we could not check. No faction or party should claim the honor of this state of things, for the glory belongs to *another*—to that Being whose providence controls all things, and who wills that Africa should erelong "stretch out her hands unto God." We fear that most of the agitators of negro wrongs are actuated by party and political motives, and not by a pure benevolence. This is evident from the fact that little effort has been made to rescue the colored man from actual degradation; for cutting off the chains of the slave is but an *inconsiderable*, very inconsiderable step in the work of negro elevation; he has yet to be made a man—a *free man*.

Americans are responsible for much of the African degradation of our day; and should God inquire of us, as he did of Cain, "Where

is thy brother?" what answer could we give to this? So far as we have had charge of our brother, or stand related to him, we can point to a prostrate man, upon whose neck rests the heel of oppression, and say, "*There is our brother!*" But let us inquire honestly how far we are responsible for the existing state of things; and in doing so we will review the masses of Africans, in ascending order.

#### THE NATIVES OF AFRICA

are the most degraded of the race, as any candid man will admit, upon examining the narratives of travelers or the reports of missionaries. They tell us that the Bushman is but a remove from the beast of the forest, and far more unnatural to his offspring; and that the Ashantee and surrounding nations worship devils, and offer human sacrifices by the thousand. Many of the more powerful tribes make annual slave hunts, to procure slaves for the slave market. In these wars, made to take captives for slavery, about as many warriors and people are killed as there are slaves captured; for the victors kill all the old people who are not fit for the slave market, and permit the little children to perish, reserving the youth and able-bodied for the market. This is a true picture of the African tribes. There may be a few exceptions among the northern tribes, but the exceptions are so inconsiderable, that they cannot vitiate our statement. Africa is supposed to contain over one hundred million souls; and the worst of their case is the fact that they know not God, but are covered with a darkness deeper than night, and have actually deified the devil, and worship him as their god. In no part of the world has Satan obtained such a complete triumph over poor man as in Africa.

For the degradation of the native African in *past time* we are not responsible. But we shall be responsible for his degradation in *the future*, if we neglect to use such means of elevation as God has placed at our disposal. We will consider these means in another place.

#### THE SLAVES OF NORTH AND SOUTH AMERICA

constitute the next mass of degraded Africans. It is needless for us to spend time in depicting the horrors of American slavery; they are well known, and are becoming more odious every day. But of the two continents, slavery in the northern is more *tolerable* than in the southern continent, because of the civil and religious institutions which surround the slave in the United States. Indeed, it is to be feared that the slaves of South America are not far removed from the state of the rude barbarian; but for the slaves of the United States we must claim a great pre-eminence above the native African; in intellectual culture, in morals, and in manners, the slave of the United States is infinitely the superior of the barbarian, as is shown by bringing them together on the coast of Africa, where the

schooling colored man shows the talents of a master mind; and the native, conscious of his inferiority, submits to direction and control, as in the case of Liberia and the surrounding tribes. This develops the fact, that slavery has been a school for the barbarian, in which Divine Providence permitted him to be placed that he and his children might be elevated. Thus God overruled the cupidity and wickedness of bad men for the good of a large portion of the African race; and we suppose this to be preparatory to another great step in the history of their elevation.

If all this is true, where, then, lies our crime—the crime of enslaving them? says one. It lies in withholding knowledge from our pupil, and by legal enactments shutting him up in ignorance; it lies in our making a slave out of an apprentice, and keeping him beyond the time of release; it lies in our demoralizing policy, in regard to the relations of husband and wife, parent and child, which casts the morals of the Gospel of Christ to the winds; it lies in our trafficking in his flesh and blood, and bones, for filthy lucre, when we should have returned him to the land of his fathers. For the above crimes God will hold *the guilty* responsible, in the day of judgment.

#### ENGLAND'S EMANCIPATED SLAVES

are the next remove in the ascending scale. Her emancipated colonists are supposed by many to be better circumstanced than our free people of color; but this is a mistake which arises from an ignorance of the structure of English society, which is divided into several unchanging classes or castes. The titled few, and gentlemen of noble families, constitute the first class; the professions and men of fortune come next; the merchants, manufacturers, and farmers next; and, last of all, the laborer, or poor white man, whose children seldom escape from the state of their father, but continue laborers from generation to generation. Under all these ranks, which are more carefully observed in English society than in any other nation of Saxon stock—we say, under all these ranks, which tower one above the other, lies the emancipated colonist, who, although apparently free, and having some advantages in common with poor white men, is still a social slave. He is but the serf of the English planter. He forms the substrata of English society, from the etiquette of which we pray to be delivered. From our knowledge of the structure of English society, we have been led to question the wisdom of sending colored men into Canada.

#### OUR FREE PEOPLE OF COLOR

are the most respectable class of Africans. They are much nearer the level of free and refined society than England's colored colonists, being but one remove from the level of republican society, while England's colonist is many removes. But notwithstanding that our free people of color are superior to all the classes before enumerated,

they are a degraded people, and for their degradation *we are responsible*.

Let us consider their state. The free colored man of the United States has only the shadow of freedom; the substance is not his. He rests under a load of civil and social disabilities—the first created by positive law, the last caused by the prejudice with which an independent people regard a servile race. In most, if not all, the states the colored man has no part in making those laws by which he is governed, or in electing the magistrate who shall administer those laws. He is taxed to support the State, and that State hardly renders him protection from the violence of the rude and unprincipled. Again: he is forbidden the right of lodging his evidence in a court of justice, provided that testimony implicates a white man; and stringent laws forbid his forming an alliance with the families of the land. Thus positive enactments chain and bind him, while he is apparently free. But suppose we erase those laws from the statute book of our States—will that redeem the poor colored man? No; we would only have lopped off the branches of the evil that afflicts him. The trunk, in the form of hereditary prejudice against the colored race, would stand there, tall, vigorous, and unshaken. This is the great evil for which we should find a remedy.

**THE REMEDY.—THE UNITED STATES AND ENGLAND ARE THE ALMON-  
ERS OF TRUTH AND THE PRINCIPLES OF CONSTITUTIONAL LIBERTY.**

Having reviewed the almost complete and universal degradation of the African family, which is only relieved by a few small communities of colored men, who are independent and civilized, of which we will speak in another place; we will now inquire after a remedy for this degradation, and in doing so we shall seek for that one which will meet the greatest number of cases.

Let us begin with the many millions of native Africans. What will meet their wants, and redeem them from degradation? We know of but one way of elevating them; give them the Gospel of Christ, which carries in its train the institutions and blessings of civilized life. This will prove their salvation; for the power of God to the salvation of nations, as well as individuals.

But whose is the duty to send the Gospel to Africa? It is the duty of those Christian nations which are best prepared for the work; who, having moral power, correct theology, men and means, are thereby constituted the almoners of the word of life. But in which of the civilized nations can we find those elements of wholesome influence and power? Look over the map of the world, and you will find that the greater part of the Christian nations are disabled by some defect. They lack purity of faith, or are shackled by oppressive civil institutions, or are too poor in men or means to do much for the heathen world. But in the midst of those imbecile nations we find two nations towering up, possessing all those ele-

ments of influence, power, purity, and wealth, who, having borrowed the light of revelation, and received the imprint of the Gospel of Christ on all their civil institutions, are thereby qualified to be "the light of the world." These are England and the United States, and they are the hope of the world; on them rests the responsibility of giving the gospel to Africa.

England is conscious of the honorable place Providence has assigned her; therefore we find her foremost in all benvolent and world-saving enterprises. This consciousness of a great mission to the world gives an Englishman an elevated tone and bearing which is not very agreeable to people of other lands; but unpleasant as it is, it proclaims to the world the position of the Englishman, who seems to say thereby, "Come up to me; I cannot come down to you!" The statesmen of England are always ready to spend millions of money, and her philanthropists to sacrifice their lives in the cause of humanity and of God. And what is more remarkable, England does all this while cumbered with a load of feudal customs, which, were it not for the mighty volume of moral power that lies deeply imbedded in the heart of the nation, would shackle her energies, and make her as weak for good as her neighbors on the continent. Yet, with all her civil and ecclesiastical disabilities, she does more for mankind than her more-favored coadjutor, the United States.

This republic is well qualified to be "the light of the world." Her civil institutions are unrivaled, and the European world is now feebly essaying to copy after them; her churches are pure and unfettered, and her wealth is great, and rapidly accumulating from year to year. We suppose that the United States has more wealth to devote to benevolence than England has. Britain's civil list is an expensive bill, and her poor at home and in her dependencies are a standing tax on her people. The government owes more than it will ever be able to pay. All things considered, we think the United States can render more of a surplus for benevolent enterprises than the mother country. However, be that as it may, it is enough for us to know that God has placed us in a position to be "the light of the world," and that when all the elements of influence are considered, it is our privilege to range even above England. This is no foolish boasting, but a calm consideration of our responsibility, which brings with it a number of consequences that our good and great men should consider.

We take it for granted that each church in this land should do something for the evangelization of Africa; that each church should have its band of missionaries at work in that great field; but we would suggest these missionaries should be colored men, if pious and well-qualified colored men can be procured for that work; for many parts of Africa are forbidden ground to the white man, where a residence for any length of time would prove fatal, while his colored brother can live, labor, and enjoy good health; observation having

demonstrated that the longevity of an individual is governed somewhat by the texture, color, and general character of the skin. Be this true or false, many of our white missionaries have sickened and died, while their colored brethren yet live and are doing well.

The most effectual way of elevating the native African tribes is, to plant among them settlements of colored Christians, who shall take some of the children of the natives into their families and there instruct them; who shall teach the barbarian the arts of civilized life, but especially the way of salvation from sin. This is the plan which Buxton proposed to the English people; for this object the ill-fated "Niger Expedition" was projected by the British government, and to effect this desirable end the "African Civilization Society" was formed in England. But it has been the will of Providence that England's plans should fail, while the American people have succeeded in effecting the same object by similar plans, and at much less expense. May we not suppose that the necessities of our case was the cause of the difference?

A multiplication of such settlements as Liberia, composed of industrious, moral, and religious colonists, among whom teachers and ministers abound, *are* the very things that Africa require—each settlement becomes a great missionary of civilization, republicanism, and Christianity; and so manifest has been the good produced by colonization that many of the colonists consider the formation of Christian settlements all sufficient to meet the wants of the heathen; in evidence of which we subjoin part of an article published in the "Liberia Herald" last September. We find that the writer is opposed to isolated mission stations; denies the utility of such stations, and maintains that the colony is the proper school for civilization and christianity.

"MESSRS. EDITORS—*Sirs*: I read with much attention the communication in your last number, (July,) from Rev. B. J. Drayton, Cape Palmas. The subject of introducing civilization and Christianity among the heathens, particularly those in the neighborhood of Liberia, is a matter which I take a lively interest in; indeed, I hold it to be the bounden duty of our government to adopt every practicable expedient to bring the surrounding tribes, as speedily as possible, under the influences of Christianity and civilization. It is policy to do so. The interests of the State demand that it should be done, to say nothing of our duty as individuals, to foster every means within our reach for the enlightening of *our race*. Mr. Drayton seems to entertain similar views, and hence the recommendations he makes in his communication. He says that 'the most ready way to accomplish the objects in consideration, is for the government to make roads into the interior, that the missionary and the merchant may travel side by side, &c. And that there will be security for the missionary and the merchant, because the Africans well know that they are under protection of government,' &c. I do not wish to say a

word that will detract the least from Mr. D.'s views: his letter in general is worthy of being attentively perused, and it will advantage many, if the principles it contained are adhered to. Mr. Drayton is known to be a consistent minister of the Gospel, zealous for the conversion of his fellow creatures to Christianity, and it is believed that he is truly sincere in all his propositions for that effect. I must, notwithstanding, decline falling in with his views; and so will every one, I think, who has given the matter mature consideration. At this time of day, it is preposterous to imagine that *missionaries*, (I allude to those persons who are employed by religious societies in the United States to teach and preach in Liberia,) are to be depended upon to effect this most important and desirable object. I say it is perfectly absurd to imagine such an idea, much more to believe it. Daily observations teach the people of Liberia that themselves do more in their families in furtherance of civilization and christianization of the heathen, a hundred fold more, than do the operations of all the different missionaries combined.

"I make no charges against the 'missionaries'—among them I number some of my warmest friends—but I am a Liberian, and feel deeply interested in every thing that concerns it. It is our duty to watch every movement that is made for the advancement of our country, and when conclusions are assumed and advocated, that will not bear fairly on subjects affecting the interests of the country, we ought to speak out. I take the liberty of doing so, in denying in plain terms that any material advantage is to be derived from missionaries in Liberia. The missionaries know this themselves. If any suppose I have erred in what I have said, I would suggest, that at once, without delay, the number of African children in the different families in Liberia be counted—those of them who can read, those who have learned some useful occupation, and those who have made a profession of religion. Let each class be added up separately, and then send some persons who are entirely disinterested, to the *mission stations* to make similar count, and every body will see that I make no exaggeration when I say that no material advantage is to be derived from the employment of persons as missionaries to the *Africans in Liberia*. And the money thus lavishly expended for their support is wasted. But this state of things can be altered—altered for great good in many respects—but I will not now enter into full particulars. I may do so hereafter. It is sufficient for the present, that a suggestion be made for the different missionary societies in the United States to place into the hands of the government of Liberia the money they expend annually in Liberia for missionary purposes, with the understanding that the government will employ it for the civilization of the aboriginals of the country. It cannot be doubted that the government has greater interests at stake in wishing the civilization and Christianization of the Africans, than the missionary societies can possibly have. As Liberia marches onward, so ought her sons; if they are permitted to live on in their



untutored state, the country will not, cannot advance with that strength which it should. In fact the Executive of Liberia and its Legislature will be much more adequate to form plans for successfully bringing the heathen under the folds of Christianity than any body or institution can be.

“ALPHA.”

We have italicised the words “missions stations,” and “Africans in Liberia,” which give us a key to the object of the writer. He is not anti-missionary or anti-christian; but he is an anti-station man, or a colonization man run wild, that is all. His error is, he forgets that our missionaries in the colonies constitute the moral and saving power of the settlements. Strike our missionaries out of existence, and the colony will soon lose its influence for good; but keep the missionaries there, and let them work as ministers of Christ, and the colony must burn all over with a holy, saving influence, and each family within the pastoral charge of the missionary will be a Christian school for the heathen child or servant.

For the redemption of Africa an extensive system of colonization should be devised by the good men of this nation—a colonization of colored Christian men and their ministers and school teachers, and the moving spring of the whole system should be philanthropy.

COLONIZATION A PROVIDENTIAL ARRANGEMENT—ITS ORIGIN—BRIEF HISTORY OF LIBERIA—LIBERIA MUST EXPAND—IT IS WRONG TO OPPOSE HER GROWTH—SHE WILL GIVE CHARACTER TO THE COLORED RACE.

African colonization is an arrangement of Divine Providence, whereby the instruments and elements of civilization and evangelization may be transplanted from this country to Africa, where they are destined to expand and redeem that continent. All the circumstances connected with its history show that “it is of God.”

It was originated by benevolent men for the relief of the oppressed, far from being the creature of sinister designs. African colonization originated in the minds of true philanthropists; and the American people merit not the *supposed odium* of originating this great movement, for its authors were not Americans, but were Englishmen. The great leaders of the anti-slavery or abolition party of Great Britain were its projectors, and the occasion that called out this exercise of their *wisdom and benevolence* was the following:

A large number of slaves having run away from their masters during the Revolution, joined the British army, and, on the conclusion of the war, fifteen hundred of them were taken to London, and about ten hundred of them were sent to Nova Scotia.

“Those taken to England had been there but a short time, before it was discovered, such was the repugnance in a white community to receiving into its bosom a race as distinct as that of the African,

and give them equality in all respects, that it was wholly impracticable to attempt it; and to exclude them was to degrade them and render their condition miserable. Under this state of things, Granville Sharp, William Wilberforce, Thomas Clarkson, and others, conceived the plan of colonizing the *whole number* on the western coast of Africa. This was the origin of the colony of Sierra Leone."—To this place, also, those sent to Nova Scotia were brought, and in this settlement the negroes that have been retaken by the British cruisers have been placed. So we find that good men, nay, orthodox, anti-slavery men were the fathers of the whole scheme.

Like causes will produce like effects. Good men in the United States were touched with pity when they considered the state of the free colored people of this land, who, being rejected by white society, must remain a distinct, subordinate race as long as they remain with us. And these men, being desirous to save them from degradation, followed the example of the English, and planted the colony of Liberia, in the year 1820, some thirty-two years after the foundation of Sierra Leone. The following is a

#### BRIEF HISTORY OF LIBERIA.

In the year 1820, the American Colonization Society sent out to Africa eighty-eight emigrants, under the care of Rev. S. Bascom, principal agent of the United States, and Dr. S. A. Crozier, agent of the American Colonization Society. The ship *Elizabeth*, in which they sailed, was chartered by the General government.

This was the first expedition of the American Colonization Society, and it proved a very unfortunate one; for Sherbro Island, contiguous to Sierra Leone, was the place selected for the first settlement of the American colored people. This place proved very unhealthy, because of the low, marshy ground and bad water. All the agents died here, and about seventy of the emigrants.

In 1821 this settlement was abandoned, and all the emigrants removed to Sierra Leone till a more eligible site than Sherbro could be selected.

In the latter part of this year, Capt. Stockton, with the United States schooner *Alligator*, was ordered to the coast of Africa to aid Dr. Ayres, one of the new agents, in the work of locating the colony. These gentlemen selected a point on the coast, two hundred and fifty miles south-east of Sierra Leone, including Cape Montserado. On this cape the first successful settlement was made, in 1822. In the midst of some opposition from the savage natives, the town of Monrovia was founded on the very place where a large slave factory had been located, and from which point thousands of slaves had been shipped. The progress of this settlement has been steadily onward, so that Liberia now extends along the coast about seven hundred miles long, by fifty broad, including over one hundred thousand inhabitants. Surely, we do not claim too much for Libe-

ria when we say she is a child of Providence. Could we, in our brief sketch, specify the many instances of Divine favor and protection that have been shown her, we could establish our point beyond a doubt. Suffice it to say, ministers of Christ aided in planting the foundations—ministers have been the chief builders in rearing the superstructure. They have watched over her with much anxiety. She has been the subject of many prayers; and while the storm of opposition from good men and bad men—from the civilized and the savage—from men-redeemers and men-stealers, threatened her very existence, God spread his shield over her, and, when the calm returned, and the clouds passed away, Liberia is found erect, a Christian state that commands the esteem of all mankind, and is worthy of an honorable place in the list of nations, to which place England and France have welcomed her, and we hope the United States will soon extend the same favor.

#### LIBERIA MUST EXPAND.

The young republic possesses all the elements of expansion, that have made the mother country the wonder of the world. Differing but in race, she possesses the religion of the Puritans, and holds the sacred deposit with jealous care. Her language and her literature are derived from this land. Already her agricultural and commercial enterprise are making her a name in the commercial world. Ere long the mountains of Africa must yield up their iron, copper, and golden ore to the enterprise of the Anglicized African.

Her population must increase with progressive force, for by accessions of emigrants from the United States, and additions from the surrounding nations, her growth will soon rival our own; and with her territorial extension will extend the saving, moral influence of her institutions, which are more in harmony with the spirit of the Gospel than are our own; for the organic laws of the republic require the government to make provision for the civilization of the heathen around them. We fear not to say, that if Liberia was weighed in moral scales, her moral worth would give her a title to the first place among the nations.

The man who opposes the growth of Liberia, either directly or indirectly, is no friend to his race—is no friend to Africa; nay, he opposes the extension of Christ's kingdom, and is no friend to Christ. The man who would retard the emigration of colored men to Africa, assumes a grave responsibility, and, we think, fights against divine Providence. And, indeed, there are but few men to be found who will have nerve enough to attack the young republic, or longer call it "the charnel-house," "the American golgotha," etc. For the friends of the African, in looking around for some collection of colored men, whose position and character can confer respectability on the race, look in vain for such a collection till they come to Liberia; and policy compels them to respect her, that, through her, the race

may be made respectable, for "few are the bright spots" on the field of Africa's degradation; and if we strike out this central sun of Africa's horizon, feeble will be the light emitted by Canadian colonies, Haytian republics, or Dominican empires; again would the skeptic cherish a doubt as to the ability of the negro to govern himself, and again would the slaveholder congratulate himself that the sons of Ham were made to be his servants, and that he is their master by divine right. But let Liberia stand, and she will make character for herself, and for the African race; she will be the true advocate of Africa's rights, and in good time the avenger of Africa's wrongs.

It is the duty of all those pious colored men, who are now suffering from the effects of prejudice, to emigrate to Liberia: there they will be free, and there they will be instrumental in doing much good: and it is the duty of the benevolent American to see that they do not go empty away, but to aid them in this peaceful and righteous course. Indeed, the work of colonization should be made a measure of national policy, and then we could pour such a flood of well-educated and religious colored people into Africa, as would leaven the whole, and thus the continent could be redeemed from its degradation.

#### THE EXTENT OF AFRICAN SLAVERY — THE REMEDY.

The following is the most comprehensive view of African slavery that we have seen. It is taken from the "Tenth Annual Report of the Committee of the British and Foreign Anti-Slavery Society," and the statements may be relied on as true.

By the last census of the United States, taken in 1840, the number of slaves in the southern States was 2,187,455; if we add the probable increase, computed according to the ratio of the preceding ten years, the present number of slaves in the thirteen slave States will be about 3,045,000; but, since that period, Texas has been annexed to the United States, the number of whose slaves may now be computed at 50,000; the grand total of slaves in the United States will, therefore, be 3,090,000. According to Balbi, the number of slaves in Brazil, many years since, was 2,926,500. Notwithstanding the great mortality which marks the slave system of that country, and the manumissions which have taken place, the vast number of fresh Africans which have since been imported, must have increased the total number of slaves considerably. We, therefore, compute the number at present in Brazil to be 3,250,000. The number of slaves in the Spanish colonies is variously estimated. Mr. Crawford, the British Consul in Cuba, states it to have been, in

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\* According to the late census the number in this country is 3,198,324, and we suppose the increase in other countries to be as great; this would make the total about 7,900,000.

1841, between 800,000 and 900,000. The British Consul at Porto Rico says the number of slaves in that island, in 1838, was 44,000; allowing for the additions which may have been made since these periods, by importations from Africa, we may put down the slave population of the Spanish colonies at 900,000. The total number of slaves in the Dutch West Indies, according to the last census, was 9,569; in Surinam, 52,997; at Batavia, Samarang, and Sourabaya, 30,000—making a total of 92,566; but, as there has been a considerable mortality among the slaves in Surinam, since 1844, perhaps the entire number in the Dutch colonies and dependencies may be reckoned at about 85,000. From the best information that can be obtained, it appears that the number of slaves in New Granada, including Panama, was, in 1835, 40,137; in Venezuela, in 1837, 37,689; in Equador, 1843, 4,960; in Peru, 1845, 20,000. From Bolivia, Chili, and the Argentine republic, no returns have been obtained; but the slave populations of these republics may be estimated at about 40,000. It should be remarked, however, that all the South American republics have made provision in their laws for the gradual extinction of slavery; and that Uruguay, one of them, completely abolished it in the year 1842. The number of slaves in the Portuguese, Dutch, Danish, and Swedish settlements on the western coast of Africa, is computed at 30,000; of these, nine-tenths at least are held by the Portuguese. The latter nation has, in addition, possessions on the eastern coast of Africa, and in Asia, but the number of slaves in them is unknown. Making allowance for manumissions which may have taken place in the South American republics, the following recapitulation may be taken as a correct estimate of the number of slaves in the several countries named, viz:

United States .....	3,095,000
Brazil .....	3,250,000
Spanish colonies .....	900,000
Dutch colonies .....	85,000
South American republics .....	140,000
African settlements .....	30,000
Total .....	<u>7,500,000</u>

This is an awful and humiliating picture; seven millions and a half of the sons of Africa held in bondage by nations nominally Christians! Without hesitancy we say that the remedy for their degradation is *education* and *emancipation*. Education should precede emancipation, if possible; but where this cannot be secured, liberty is the right of man, civilized or savage, educated or uneducated; and no man has the right to deprive his fellow of liberty on the ground of his ignorance.

But, however much we may desire to apply the remedy suggested to foreign lands cherishing slavery, we cannot do it, for they are be-

yond our control; however we may do something to embarrass them, and reduce the value of the institution of slavery by patronizing the productions of free labor, to the neglect of the productions of slave labor; for, so long as we continue to buy the productions of the southern plantations, the sugar, the coffee, &c., so long will South America and the West India islands cherish African Slavery.

But you say, Where shall we find an adequate supply of those luxuries, or rather necessities of life; for the people will continue to use sugar, coffee, &c.? The answer is at hand. Africa can be made to produce, within the next thirty years, more coffee, sugar, &c., than the civilized world can consume. Africa has within her limits more coffee, sugar, and cotton lands than any other continent, and she has got one hundred millions docile and teachable negroes, who, under the control of intelligent leaders, can produce those articles in such quantities as will flood the markets of the world.

To make this evident, I will make a few statements in relation to the single article of coffee. A friend gave us a small quantity of Liberian coffee recently; it is a large, firm, white berry, said to be as good as the Java coffee, and commanding as good a price where it is known. The Liberians raise it with very little labor; it is indigenous to that country; the plants are found in the forests; these are taken and planted in orchards, at the rate of five hundred trees to the acre. These trees will bear the third year after planting, at the rate of twelve pounds of coffee to the tree, or six thousand pounds to the acre. In 1846, the United States consumed 124,336,054 pounds of coffee; the British empire and France we will suppose consumed twice as much. The quantity consumed annually by those nations may be set down at 350,000,000 pounds, which is a very large estimate; and nearly all that coffee is produced by slaves. The above quantity of coffee can be produced on about sixty thousand acres of Liberian coffee lands. Now, suppose that twenty thousand free people of color emigrate to that republic, and open farms, and plant three acres each in coffee trees, for the foreign market, this will give us a breadth of sixty thousand acres, the quantity necessary to supply the civilized world with coffee superior in quality to any now produced by the slave. Then we could strike a death-blow to slavery in all lands where coffee is produced by slave labor.

But to carry out this measure effectually, we require a line of transports to ply between this country and Liberia, and then we require the above number of volunteers from among our three hundred thousand free people of color. The first it is likely we shall secure. It remains for the free colored people to say whether we can secure the latter. All depends on their action. In one year the transports could place more men on the coast than would be necessary to form the requisite plantations, and in three years over sixty thousand families, averaging three to the family, can be placed on the coast, and in less than five years the plantations could actu-

ally be opened, and producing their three or four hundred million pounds of coffee, by which slavery in South America and the West Indies can be abolished, or broken down. Sugar will be the next article that will claim the attention of the Liberians; but as mills, &c., are required, it will be some time before they can command capital enough to erect the necessary machinery. The cotton will be the third in order of production, because the best cotton lands are inland, on the banks and bottoms of the Niger and its tributaries, and the tide of emigration will roll slowly to the great valley of that river. However, if the present efforts of England to press the natives to the cultivation of cotton are successful, this article may be brought into the market much sooner than we now suppose. We will conclude this chapter by saying, that *we see in a national system of colonization* the means of indirectly undermining the foundations of slavery in foreign lands; and a hundred reasons conspire to prompt the good and great men of this nation to adopt it; and a thousand reasons combine to prompt the enterprising colored man to go to Africa. Let all the friends of liberty "carry the war into Africa," and the victory will soon be won.

THE EXTENT OF OUR DOMESTIC SLAVERY—A CONFLICT OF RACES TO BE APPREHENDED: THE REMEDY NATIONAL COLONIZATION.

Domestic slavery binds over three million negroes in bonds, and robs them of all the rights of men, reducing them to the state and liabilities of chattels. This is a dark blot on the character of the American people, and made the more odious by the high claims we set up as a republic; for we profess to teach the world the lessons of liberty and equality, and are the great exemplar of the power of man to govern himself. No people censure the aristocrats of Europe more than the American people, and yet we cherish in our midst a system of oppression so dark in its character that it casts the cruel institutions of the old world into the shade. In most of the nations of the old world, the serfs and peasantry have been emancipated, and are no longer articles of merchandise—they are men, not chattels; while, in the republic of the United States, the African is bought and sold as the horse is bought and sold, and in the moral government of slaves there is almost as little respect paid to them as to cattle, for all the sacred relations of life are disregarded by the slavedealer.

But the worst of the case is, men calling themselves republicans and Christians, can be found who will defend this institution, and apologize for it. God forbid that we should be of that number; but we rejoice that it is our privilege to bear testimony against "the sum of all villainies"—"the buying and selling men, women and children with an intention to enslave them;" and we unhesitatingly say that the Christian who buys or sells a human being with an intention to enslave, commits a sin of so grave a nature that he will lose the

grace of God, and never regain it till he repents and makes becoming restitution; and having thus unfitted himself for the kingdom of grace or glory, his right to Church fellowship may be questioned.

In short, we deny the chattel claim of the slavetrader to his slaves; he has derived no right to sell man, from that Being who is the source of all our rights, and the avenger of all our wrongs. In saying this we speak understandingly, and we rejoice to find that the good men of the south are opening their eyes to the unholy character of such a traffic, and they now look upon the slave-trader, or seller, as a monster who is unfit for good society. To this we say amen, and pray the Lord that the time may soon come when a well-directed public opinion will break down the "American slave-trade;" for between the "African slave-trade" and the "American slave-trade," we think the African the most excusable, and doubtless it does more good to the colored race. For if the good that arises from this traffic is to be made the measure of its merits, we can prove that that abominable business—the trade in slaves from Africa—which has called forth the execrations of the civilized world, and cost the nations hundreds of millions to suppress it, is now more excusable and tolerable than the buying and selling civilized men, women and children, with the intention to enslave them. The sooner a corrected public opinion is poured upon it the better.

But justice requires that we distinguish between the man who will sell or buy a slave, and the true southern gentleman who, while he hates the "American slave-trader," holds slaves, they being part of the estate he received by inheritance. It is the case of this man that most perplexes the moralist, and calls out the sympathy of the northern people. What shall such a man do with his slaves? what does God require at his hands? We think that God requires that the chattel claim to his slaves be surrendered and abandoned forever; and that, like John Randolph, he consider his slaves inalienable, but regard them as apprentices, the younger to be educated and emancipated at the age of twenty-one, and all over that age, and under the age of forty-five, to be set free at once, retaining none as bondmen but those whose age and infirmities unfit for the work of providing for themselves, and for whose support the estate on which they have expended the labor and energy of youth should stand pledged. Let these doctrines obtain in the south, and emancipation will follow in good time, and in less than fifty years slavery will be but a name; its horrors shall have passed away.

But there is a fixed purpose among southern men, that the emancipated shall not be permitted to remain among them; and the reason they assign for this resolve is the danger arising from a conflict of races; and indeed there is much to fear from difference of race in the south; but we propose the remedy of continental or African coloization; that is, the establishment of a colored nation on this continent, or in Africa, to which all the emancipated may be sent, as well for the good of the colored man as for the safety of the na-



tion. The location of the colony being selected, and the groundwork of the enterprise laid down, the slave states should be so organized, that in each county thereof there should be an officer, whose duty it would be to receive all the slaves offered for emancipation and transportation, and having received them convey them or have them conveyed to the commonwealth prepared for their reception, where they should be furnished with a piece of land, if they desire a country life, or a lot in town if they desire to reside in town. But as the Providential indications are more in favor of African than continental colonization, we hope that all good and reasonable men will unite on the former.

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## SEPARATION OF THE RACES JUST AND POLITIC.

We will introduce the second argument by stating a few clear points as the foundation of our reasoning on this subject.

"All men are created free and equal." A separate and independent subsistence for the great families or races of men, is clearly marked out by the Divine ruler.

Society is an ordinance of Heaven, having for its object the happiness, prosperity and peace of its members.

Governments are designed to guard the peace, prosperity and happiness of society, and to remove all political evils.

A homogeneous population is necessary to the existence of a sound republic.

Slaves and peasants, deprived of the right of citizenship, and suffering social degradation, are incompatible with the genius of republicanism.

The United States of North America should be a pure republic.

A family, and that collection of families which constitutes a republic, have the right beyond all organic law to say who shall, or who shall not be received into their bosom and made members of their society.

The American people, in the exercise of this right, admitted the white race and rejected the black.

There is no salvation for another race that comes in conflict with the Anglo-Saxon race, but in fusion with it. All others that conflict with it will be borne down by it.

The colored population of this country cannot be other than *a class of peasants*, if excluded from white society.

Where men are truly religious and moral, the white and black races of the United States do not mix—so the influence of religion will never effect a fusion, or destroy the right of choice in the parties.

No two races, kept distinct by the refusal of the stronger race to fuse with the weaker, can dwell together in the same country on terms of social equality.

A heterogeneous population, that will not amalgamate, sooner or later becomes a turbulent, restless and revolutionary population.

The separation of the races, and the erection of the colored race into an independent and separate commonwealth are the true and only remedies for the disabilities of the colored race.

Unfortunately for the United States, we have the elements of much national disturbance and social immorality among us, in the form of two incompatible races, whose interests must forever clash so long as they remain distinct races, and there is no likelihood that their present relation will change, or that they will become blended into one people.

However, the great mass of the colored race in this land are held as slaves, and with this relation of master and slave, the inhabitants of free states are pledged not to interfere—and we should sacredly observe our pledges—but whilst man thus sacredly keeps his promises to his fellow man, what may not Providence do with this institution. In the coming age of revolutions that must sweep over our globe with terrific and renovating power, it will be impossible for our country to escape the lightning's flash and thunder's stroke, with such a colossal attraction and conductor as the institution of American slavery in our midst, which rears its head amongst the gathering clouds that portend the coming storm. Oh, no! slavery will be modified by a series of providences before many years, and it is likely that tens of thousands will be emancipated; and in the course of a few ages all will be set free. But this act of emancipation, when consummated, will leave that large mass of our fellow-beings in a state of serfdom or social slavery. For white society will refuse to receive them into its bosom, or in other words, the white race will not amalgamate with the blacks. Therefore, the stronger must be the rulers still, and the weaker the servile ones.

A heterogeneous population, that *will not* amalgamate, sooner or later becomes a turbulent population, and civil war and bloodshed follow as a matter of course. This has been the past history of those nations which are cursed with a difference of race, and what has been true of other countries will be true of the United States, unless we apply a remedy to the evil that afflicts us.

With the opponents of the remedy of separation, we agree that "all men are created free and equal;" but we cannot believe that it follows, as a consequence, that all men should inhabit the same state or territory, or dwell in the same city. But, on the contrary, we believe it to be in keeping with sound policy, and the morality of a peaceful religion which we profess as a nation, to apply the remedy of separation to conflicting families or races of men, whose interests are constantly clashing, and who cannot be reduced to a state of

social equality. Such we believe to be the state of the white and colored races of the United States.

*Separation is a compromise for the sake of peace*; to avoid the divisions of society into political factions, of which color would be the line; to enable the colored man to enjoy uninterruptedly all the rights of a freeman and exercise the franchise of such a freeman. Is not such a compromise right, if it can be effected? Is it not justified by the spirit of Christianity? We think it right and just, and give as an illustration of this compromise the case of Abraham and Lot, who were the controllers of large households, and became the fathers of nations. On one occasion, their families, or rather their retainers and servants, quarreled about the right to the soil or domain; and these two good men found it necessary to settle this quarrel by a compromise, and the result was, they separated their families and became the occupants of distant and different lands.

Nor will it do to put off the application of this remedy too long, for already the spirit of strife, from this very question of a difference of race, has commenced his cruel work of disorganization. Like a demon of great malignity he has entered the ecclesiastical and civil councils of the land, and sowed the seeds of strife there, and that seed is rapidly ripening, and has produced strife and disunion in many cases. Religious men who were bound by the *strongest bonds* have been rent asunder, and arrayed against each other in a hostile attitude, and are now at war with such weapons as they dare to use. Whilst the statesmen of the land, and the great political bodies, are now surveying the field of future conflict; calculating their strength; choosing their positions; and preparing for a war of more than words, and although a friend to the "compromise," yet we fear that the elements of trouble are not removed, nay we know they are not removed—for as yet no practical remedy has been applied to slavery the great root of the evil.

Nor will it do to say that the mere abolition of slavery will remove the evil—indeed it leaves the evil complained of untouched—for two distinct races will remain in the land to curse the country with their strife for social pre-eminence; and just in proportion as the light which has been withheld too long from the colored population is poured in upon them, in the same proportion will their demand for social equality become bold and threatening, until considering forbearance no longer a virtue, they will make their demand at the point of the sword. Soldiers may laugh at such a prospect, and glory in such sport as crushing the colored armies might afford. But men of peace, love not such things and deprecate such times although afar off.

There are but two remedies for the evil, a *fusion of the races*, or a *total separation*. The application of the first remedy always depends on the choice of the stronger race. And the exercise of the choice for or against involves no moral quality, so that a refusal on the part of the white race to blend with the black cannot be considered a

*sin*. And so long as the right of choice remains to man and is untouched by law, human or divine, so long white men who are *honorable* and *virtuous* and fear God and regard his law, will choose white company to the rejection of black. Nor is this criminal in them. Nor can you compel the American people to act otherwise unless you can show a clear law that will coerce to fusion.

Hence those who are resting their hopes on the future influence of the gospel, are cherishing a false hope. For the influence of the gospel is to make morals pure. And whenever *morals are pure* then the races never fuse but the line between them is well defined. The white man being a dignified and upright *superior*, and the colored man being a moral and respectable inferior. Nor can the colored race escape from this inferiority in society, nor can those of us who would save him from it do so as long as he remains in contact with white men. The poor colored man is like the sickly tree that stands in the grove, he is overshadowed by a stronger race that shoots up to the heavens and spreads its branches to the light—casting a destructive shade on all below—a transplantation is the only salvation in either case.

The enthusiast may preach a different doctrine, and tell us that he makes no difference on account of color—he tells us that which is false, his actions and the company he keeps contradict his words, the companions of his children and associations of his domestic circle are standing witnesses against him. Compel him to choose between two young men of equal moral worth, equal talents and equality of wealth, but differing in color, one being white and the other black—compel him to choose one of the two for a kinsman, and his choice will fall on the white man, and because of color even he will make a difference.

So, unless we *choose*, the colored man cannot become our social equal. But the American people *do not choose* to make him a social equal, and there is no law that can compel them to do this. The consequence is the poor colored man must stand far below par because of his color, and from this disability he can never escape, he carries it with him wherever he goes, and colored men are compelled to take a secondary place in society and remain in a lower grade, which classification of citizens in grades is incompatible with the genius of this republic and will sap the foundation of democracy.

This being the unpleasant state of things in the United States, a peaceful separation of the races should be devised and carried out as soon as possible, for the good of both; and upon this separation an independent commonwealth of colored people should be formed in which the colored race might be free from our dictation and control.

Many of the most intelligent and independent colored men of the Northern States are now convinced that a peaceful separation of the races is the most religious way of disposing of this vexed question. Hence we find them advocating continental colonization, or

the erection of an independent commonwealth of colored men on this continent. Others of them who are not religious, are actuated by another passion, that of a desire to rule; hence they wish to escape from the society of white men, where they must be subordinate, that they may become leaders themselves. And none but the wilful and wicked stubbornly contend for the right of fusing with the white race, and thus securing social equality in this land.

And now that the colored people are beginning to move in this work, it is the duty of the white race to help them to a separate home. We owe this to them, and we owe it to our peace in the future.

It is clear to the calm observer that the colored race of North America have been in a state of pupilage amongst us, and our great crime is not the work of holding the colored man in bonds as an apprentice or a scholar, but we have held him as a slave, and *withheld* the instruction which he should have received—this has been the crime of the South. However, the effect of the connection which the colored man has had with the white race, has been to school him, and bring him forward to a state of intellectual maturity. And now that the days of his majority have arrived, and as a young man who has come of age is provided with a home by his guardian, so the colored race, which now shows many signs of ability to take care of itself, should be provided with a suitable home by the older guardian race. Nor should the colored race think the work of removal from the old homestead of the white race a hard thing, for it is nothing more than justice and righteousness require.

We have no sympathy for that class that can curse the colored man in their hearts, and then for political purposes cry down the inhumanity of the separationists; and we have very little with those superficial philanthropists who would retain the colored man in this land, that he may be used as a servant. We would give him all the rights of man—but this the abolitionists will not, cannot do; in evidence of which, read the following extract from "Jay's Inquiry."

"One of the designs falsely imputed to them, (the abolitionists,) is that of bringing about an amalgamation of colors by intermarriages. In vain have they again and again denied any such design; in vain have their writings been searched for any recommendation of such amalgamation. No abolitionist is known to have married a negro, or to have given his child to a negro; yet has the charge of amalgamation been repeated and re-peated, until many no doubt honestly believe it.

"No one in the possession of his reasoning faculties, can believe it to be the duty of white men to select black wives; and the abolitionists have given every proof the nature of the case will admit, that they countenance no such absurdity. It has been found *expedient* to accuse it of aiming at *social* equality. He must be deeply imbued with fanaticism, or rather insanity, who contends that because a man has a dark skin he is therefore entitled to a reception

in our families and a place at our tables. We all know white men whose characters and habits render them repulsive to us, and whom no consideration would induce us to admit into our social circles, and can it be believed that abolitionists are willing to extend to the negroes, merely on account of their color, courtesies and indulgences which in innumerable instances they withhold, and properly withhold, from their white fellow-citizens."

Here is the *prejudice* well stated and well *defended* by a champion of the abolition cause; to meet and obviate which the separation of the races was devised by the colonization society.

The free man of color can never be a man so long as he remains amongst white men, they will permit him to be a servant or vassal, *but no more*. About this kind of philanthropy there is a spice of selfishness that reminds us of some fine plantations in our State, owned by *very benevolent men*, but cultivated by half starved free negroes.

But before we dismiss this point, we will say a word to the man of color into whose hands this may fall: sir, you cannot change the state of things that now exists, without a revolution, you will therefore act unwisely to rear up a family in Indiana to be menials, when you can secure for them the lot and rights of freemen by removal. But if designs of ulterior revolution prompt you to remain in this State, with such designs good men can have no sympathy. Your duty is to meet this difficulty in the spirit of peaceful compromise, and demand a removal, which our wise and benevolent statesmen will grant, not in an unkind spirit, but in the spirit that actuated the ancient patriarchs, Abraham and Lot.

It is time the free people of color were constituted an independent commonwealth, for they have advanced so far in the work of improvement that they are fully able to conduct the State machinery of a nation.

If it were possible to erect a respectable and truly independent commonwealth of colored men on this continent, we should do so without delay. But we fear the thing is impracticable at this time, and we fear that the future will not be more favorable, because the grasping disposition of the Anglo Saxon race claims the whole North American continent as the field of its future enterprise and expansion. Nor will the jealous and haughty South tolerate the erection of a commonwealth of colored men on American soil. It is with sorrow that we express our conviction that there is no rest for the independent colored man on this wide continent. The Mexican and Indian are more warlike than he, and yet they have not been able to maintain their independence, or to preserve their lands from violation; and it would require a standing army of many thousand men to protect the border of a colored nation. And again, it would ever be a sickly plant in the shade of our gigantic Anglo Saxon Republic. It is doubtful whether it could maintain its independence as

a sovereign nation. In short, it must forever be a contemptible thing in contrast with the United States.

Again, the fact that Divine Providence needs the colored people of this land elsewhere, and requires not a colored nation on this continent for the purpose of carrying out His plans, is evidence sufficient that a colored commonwealth will not succeed in this land.

For, although statesmen may plan, and fanatics may rave, yet God reigns and will rule and overrule all things to this end—the conversion of the world to the religion of Christ, and the overthrow of kings, thrones, and nobles, to the establishment of a pure christian republicanism, in which men shall be governed by principles and not by power, in which they shall acknowledge no king but God, and no creed but His law.

So far as the renovation of this country is concerned, the Anglo-Saxon race can effect the work without the aid of other races.

But it not so with Africa, for it is forbidden ground to our race, else its wealth would have attracted us long ago, for Africa has long been noted for its wealth; its mountains abound with gold, and its productions are of the most valuable character. But God has reserved that land for the colored man, and the finger of Providence points to its shores as the future home of our American colored men.

God requires our schooled, converted, and enlightened colored men, that they may scatter the leaven of christianity and republicanism amongst a population of over one hundred million souls; and already has the work been begun, a few thousand noble-souled and independent colored men have taken their lives in their hands and gone forth on their mission, and under the fostering care of their Divine Guide, they have been instrumental in planting the foundation of a christian commonwealth on the continent of Africa, which now looms up from the dark horizon of that benighted land as a bright star of promise to the sons of Africa, and which is destined to be their polar guide through all their future struggles and stormy conflicts.

And such will be the attractive power of the young republic of Liberia, that in a very few years its enemies will not be able to turn the growing stream of emigration away from it—but it will swell and spread until it has embraced the whole colored population of our land within its influence.

An African commonwealth is no longer a theory, but it is a fact. There stands Liberia! the glory of all her friends, and the standing rebuke of all her slanderers.

We must admire the wisdom of that Providence which spread a cloud over African colonization, and enshrouded the young colony in doubts for a few years. But now that God has taken away the veil, we can see the reason of this strange providence. For we discover that the handful of pioneers stationed on the coast of Africa were learning how to act and govern. God was teaching them

the difficult lesson of self-dependence and self-government. And looking back over their history, we can see each successive step in this noble work, until at last they stand forth before the world graduated republicans, who have acquired such self-confidence that they can now receive thousands of raw emigrants, and guide them safely in the same difficult work of self-dependence, self government. The foundation of their nation being settled, and their institutions being planted, they are ready to co-operate with the friends of the African in this land in the great work of separating the races.

The work of transporting the colored people of this land to a distant home can be effected, provided both races are agreed on the subject. And the western coast of Africa is the most convenient point that can be reached. A few lines of transports plying regularly between the above point and this country would make the removal easy and pleasant—much more pleasant and agreeable than a trip to California, and not attended with as much *labor, danger or expense*. The sum of \$60 will carry a man from this land to Liberia, and furnish him with six months' provisions. The above sum will hardly buy the Californian mover a good horse. As to the labor and danger of the two trips, the balance is largely in favor of Liberia, for the constitution will suffer more wear and tear by twofold in a California expedition than it will in a Liberian expedition, and it cannot be doubted that twice as many die in going to California as die amongst the Liberian emigrants.

Much has been said about the impossibility of carrying off all the colored people of our land. We would to God that the day of their exodus had come, it would then be seen whether the American people have energy to effect the work. We know they can do it if they will; and that man pays but a poor compliment to the character of his race that doubts its ability on this point. The colored people of this land are not four millions in numbers, and yet four millions, if free and at the disposal of the friends of colonization, could be transported to Liberia for a sum equal to that paid out for the Mexican war, which we suppose to be one hundred million dollars, and yet this sum has been paid, or nearly so, without our being *sensibly* the poorer, few men being able to tell when, where, or how they paid their part of that bill. And if we are not mistaken, the American people are ready to vote any sum to effect a peaceful separation of the races, and will rejoice in the opportunity.

If the people will demand of the general government *that the Atlantic be bridged* with a few lines of transports, tens of thousands of free colored men will pour across to their new home. And the Slave States, ashamed of their folly and oppression, will surrender their slaves into the hands of government agents, who shall set them free on the coast of Africa, and thus for a few millions of dollars, this land may be saved from the scourge of civil war, and millions of our fellow men restored to all the rights of men. We trust that God will move upon our statesmen to consider this momentous



subject, and upon the free colored people of our land to inquire what is their duty in this case!

In the meantime, whilst waiting for the national exodus of the sons of Africa, a separation of interests and institutions tends most to the *peace and morality* of the races. Of this, the more intelligent colored persons are convinced; hence, we find them advocating separate schools, separate churches, separate neighborhoods, and, in short, separate society; and, although they seem blind to the manifest tendency of this movement, yet it is carrying them on with irresistible power to the sure destiny of the reasonable and conservative portion of the colored race, which we fondly hope and believe will be a *separate national existence*—and which we hope will save them from the horrors of the lot that awaits those of the race who are bent on revolution.

Having premised those points, we will notice in a respectful manner, some of the objections urged against the doctrine of separation; and the most comprehensive list of objections that we have ever seen, was published in one of our journals during the session of the late Constitutional Convention, by an anonymous writer. As we have a great respect for the "Higher Law" and its Giver, we will give the objectors of that school a candid hearing, and therefore quote the objections in full. It is immaterial to us who the author of these objections is: they are the cavilings of our opponents, and they furnish us a hold by which to grapple with them.

"1. The Earth, the whole Earth, is God's footstool.

"2. It was created to be inhabited by all his creatures—to sustain them, while in life, upon its bosom—to receive them, in death, beneath its surface.

"3. Surrounding this globe is an atmosphere, created for the purposes of life, and necessary to its continuance.

"4. The inhabitants of each particular section of the Earth are but God's stewards. They occupy only at his sufferance—they breathe the air necessary for their life only at his will.

"5. Each nation has its particular customs and laws. So far as they do not conflict with His "High Law," they have the right to prescribe rules and regulations for the government of those who seek residence amongst them.

"6. They may provide that certain classes shall not enjoy the right of citizenship—that they shall not have the benefit of Poor Laws—that they shall be taxed, &c.

"7. But they have no right, by *Divine law*, to prohibit any Human being, whom God has seen fit to create of a different color, from barely *living* upon that portion of the Earth which they have themselves, or *breathing* of that atmosphere which happens to hang over their nation or State, a sufficient quantity for his existence.

"8. They *could* have no such right, except by express Divine Command—for the Earth is (not man's but) the Lord's and the fullness thereof. All human beings whom he sees fit in his wisdom to

create, He intends, whatever man may think, shall breathe and live upon that earth.

"9. Most undeniably would they have no such right, judged by the law of Humanity alone, until, at least a congenial portion of the Earth was set apart for them, and *every means and expense fully provided* for their transportation thereto.

"10. Even then it would be doubtful, whether either by the Higher or Lower Law, any nation would be justified in forcibly driving to it from their midst, human beings who had previously, with equal force, been dragged within its bounds."

With the first five of those propositions, we cordially agree, although we consider some of them rather *atmospheric*.

The sixth proposition is a peculiar one, being quite accommodating in its structure, for there is an *et cetera* at the end of it, on which, we suppose, the objector designed hanging as many negro disabilities as *may be considered politic*. He maintains that States, in their transition or organizing process, "may provide that certain classes shall not enjoy the right of citizenship,—that they shall not have the benefit of poor laws,—that they shall be taxed," &c. Which *et cetera* means all the other disabilities of the black code, which States may please to fix on the poor colored man. Yes, to this proposition and all that it drags after it, we are compelled to agree, with a pang of sorrow; and the next impulse is to inquire for a remedy. And we find that in *amalgamation* or *separation*. An election of one or the other should be made at once by every State in the Union, and a vigorous system of State policy, in harmony with that election, adopted and set in motion.

If the policy of separation as a remedy for the evils that arise from the existence of two conflicting races, be rejected, and amalgamation or its equivalent, *inaction*, be adopted, we have no more to say, except to express the hope that all the disabilities of the black code will be removed. For we must confess that our quarrel as separationists is not with the man of color, but with those very disabilities found in the sixth proposition of the objector. Yes, it is for those we desire a remedy; and if the objectors can furnish us a better plan for their removal,—for in this practical age, *the plan* is what we want, something practical and something substantial,—if a better plan than separation is furnished, we will rejoice in the discovery, and render all the aid we can to carry it out.

But if such a practical plan cannot be found and furnished, we feel disposed to advocate the redemption of the colored man from those oppressive disabilities, by a removal of the subject beyond their reach. And if that removal is considered the most practical plan, then we hope that our statesmen will not dodge this question, but come up to it,—meet it, and give us a vigorous system of State policy that will facilitate the work of removal, so that all *who desire* to emigrate to Liberia, may be transferred there without the loss of a dollar.

The seventh proposition in the above list, is designed to be the

*strong point* in the list of objections. It runs thus: "But *they have no right, by Divine Law*, to prohibit any human being, whom God has seen fit to create of a different color, from barely *living* upon that portion of the earth which they have themselves, or breathing of that atmosphere which happens to hang over their nation or State, a sufficient quantity for his existence."

About the atmospheric part of this proposition, we have nothing to say. But we suppose that that portion which pertains to the earth, means—if it means anything at all—that one man has as good *a right*, derived from Divine law, to live on any inhabited lot of ground as the legal incumbent or owner, and by a parity of reasoning, that any one race of men has as good *a right* to the territory of another distinct and dissimilar race, as the possessors have.

Now with this we cannot agree, for if this doctrine was admitted, it would unsettle the very foundations of society, and overturn all the recognized institutions and sound laws of our nation, and introduce an agrarianism that would pour contempt on the red republicanism of France. Nor is this doctrine in harmony with the Divine economy of which the objector speaks, which seems to be disclosed in the following language of Scripture: "God hath made of one blood all nations of men, to dwell on all the face of the earth, and hath determined the times afore appointed; *and the bounds* of their habitation." "The Most High divided the nations, their inheritance, when He *separated* the sons of Adam, *He set the bounds of the people.*" Here is a *separate* and independent *subsistence*, marked out for the great families of men; and God requires us to respect this economy, and any departure from it on our part, will be to the injury both of ourselves and others. And each State, or nation, has a right to repel any departure from it by other nations or families, who would force themselves upon an incompatible community, that wished not their presence or alliance.

From the above economy, we infer that *society is an ordinance of Heaven*, having for its object the peace, prosperity and happiness of its members. Various were the lines of division that God laid down; but the chief were race and language. Each of those sub-divisions of the human family derived *a right* from the Giver of the "Higher Law," to form a government for its protection, and the removal of all political and social evils. This *original right* remains to States and nations, and is the very foundation of republicanism. They likewise received *the right* to choose the form of that government, and to amend it when such an amendment became necessary. And further, society, which implies the State, like the family, being an ordinance of Heaven, it has the *right* to prescribe the character of those who shall be amalgamated with it; and *this right* each sovereign State in this confederacy has, and retains, beyond all State or Federal Constitutions, or organic laws whatever,—and to express this right in one word, it is *the right of choice*.

But objectors too often forget that society in its organized ca-

capacity as a State, has reserved rights, that it may assume or lay down at pleasure, and that such rights are recognized in the law of God. Now in the light of those recognized rights, we must disagree with the doctrine of the seventh proposition which legalizes intrusion, &c. &c., for God requires us to observe the rights of organized society, (States) and it is the province of magistrates and statesmen to see that those rights are respected, "*for they are God's ministers attending continually upon this very thing.*"

The doctrine of the above proposition forbids the repulsion of an invading army.

It forbids the removal of a hostile force, that has taken possession of a part of your country.

It forbids the exclusion of the emissaries of a hostile people, who desire a lodgement in the country for purposes of revolution.

It divests statesmen and magistrates of those peculiar, special and sometimes severe powers, which God has vested in those who watch over society; by the exercise of which in given cases one man may condemn another to death; or which empowers our chief magistrate, who is naught but a fellow man, to order thousands of his fellow citizens into the field of battle, and there *require them* to sacrifice their lives for the good of their people.

And as to the statesman, who is the *political physician* or if need be the *surgeon*, whose duty it is to keep the body politic in a healthy state. The doctrines of the objector as stated above, ties him hand and foot, and forbids him to guard his country and people from revolution, notwithstanding all the elements of revolution may be clearly developed.

And again, it forbids the enactment of laws, or the execution of such laws when enacted, as will dislodge an intruder, who has taken possession of another's property on the ground of having an *equal right* with the owner, to the soil of his farm or the *air* in his room.

And lastly, this doctrine not only legalizes intrusion, but it is at variance with the doctrines of *peace* and *compromise* which are so abundant in the Bible. As separationists we claim for the colored man *all the rights of man*, but this, white society refuse to give—what then shall be done in the case? Shall we spirit on the man of color to revolution, strife and sedition, and shall this strife be kept up as long as the State stands, or one man is darker than another? Is this required at the hand of those who would be philanthropic—is this required by that law that teaches a peaceful compromise of all differences? The separationist thinks not and acts on his convictions. Hence if the colored man cannot secure his rights in this land without a revolution, we would avoid that revolution by calling him off from the field of strife, and invite him to assume a peaceful, respectable, and independent relation to other nations.

The eighth proposition arises from and is based on the seventh, but as its foundation is untenable, so the eighth is unsound.

With the ninth we agree—conscious that the heart of the separa-

tionist beats as warmly toward the colored man, as does that of the abolitionist, and we ardently hope that our statesmen will provide a home for the colored man, either on this continent or in Africa, where he can be a free man.

As to the tenth, the writer considers it a doubtful point, so we will not trouble ourselves about his doubts, as we desire to deal in clear terms, considering that it is only an inference from the seventh which has been answered.

We are now prepared to maintain that it is the duty of governments to apply to all existing political or social evils, such remedies as are best adapted to remove them; and to prevent such national or social calamities as they may foresee—and it is the duty of statesmen and magistrates to see that those remedies and preventatives are used—"for they are God's ministers attending continually upon this very thing." In the exercise of these *their rights*, they may repel an invading army, remove a hostile force, enforce the observance of law, punish the disobedient, and, in short, use and exercise constitutionally all those severe, yet wholesome powers which God has vested in the *sword bearers* of society, and who are accountable for their conduct, to the Great King in the first place, whose "Higher Law" *reaches them*, and binds them to the discharge of the duties of their office. And they are accountable in the second place to the constitutional powers which appointed them, whose well being and peace they are bound to seek, irrespective of the opinions of individual members of society, whose limited sphere of observation may prevent them from fully comprehending the wisdom or rectitude of a given course of policy, designed to carry with it a national benefit, the effect of which may not be so clearly seen now, as in future ages, but which *must* result, with mathematical certainty, in the salvation of two races from great evils, and the moral regeneration of two continents. For, notwithstanding our self-complacency, our republicanism must be vitiated as long as slavery exists amongst us, and just so long will the moral precepts of the Divine Law be disregarded.

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## A REMONSTRANCE AGAINST BRITISH INTERFERENCE.

Before we close this subject permit me to record a mild protest against the conduct of the people of England in relation to the system of American emancipation. I would not take this liberty were it not that too many of the American people sympathize with the views and measures of the "British Anti-Slavery Society," which rules the English people and government with a rod of iron—for

the British Anti-Slavery Society is the concentrated popular power of the British Empire, at whose beck the ministry acts on all questions of slavery. This power springs from all the churches of the land, and is the supreme ruler in all the great centers of influence. This Society, not content with controlling the British Empire, aspires to control the United States; and to effect this desired object money has been expended, lecturers appointed, and abolition documents and opinions peculiar to the abolition of slavery as it existed within that monarchy, have been reproduced in this republic; and much mischief has resulted from good men remaining blind to the incompatibility of English systems with American institutions—hence they have listened to the teaching of their English friends, who, right or wrong, have determined to engraft their system of abolition on this nation. All such interference on the part of England will do harm and retard the very work they so much desire—the reformers of America must be Americans, or they will not succeed.

The last remarkable act of interference on the part of England, in this matter, was the visit of Hon. G. Thompson, M. P. for the Tower Hamlets, London, who, in the year 1839, had honored us with a former visit, on a like mission of revolution. During his stay amongst us, we prepared two articles for publication, remonstrating against his conduct and system of policy, but circumstances that it is unnecessary to mention prevented their publication. However, we will place on record the substance of those remonstrances, as there are many in this land who hold the opinions derived from the English school. And as Mr. Thompson has paid us two visits in past time, it is possible that, being so well paid,\* he may visit us a third time in the future. Therefore, we would humbly enter this protest of an American minister who has the fortune to be somewhat acquainted with the structure of both English and American society. In doing this, we will keep up the style first adopted, viz:

A REMONSTRANCE AGAINST BRITISH INTERFERENCE, ADDRESSED TO THE  
HON. G. THOMPSON, M. P. FOR THE TOWER HAMLETS, LONDON.

INDIANAPOLIS, Ind., April 20th, 1851.

SIR:—We pen the following stricture on your singular mission, and the manner in which you have conducted that mission. In thus addressing you, we are not actuated by unkind feelings towards Englishmen, but by a desire to correct, as far as possible, your erroneous views of the structure of society in the United States—hoping to secure from you in the future a more favorable regard for the American system of emancipation which you now denounce in such unmeasured terms.

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\* On Mr. Thompson's return to Scotland, after his first visit to this country, the people of Glasgow presented him £900, or some \$4,500.

Your visit to this country as a revolutionist, must be considered by every sober man as an aggression on the American people, and such an one as few nations would be willing quietly to endure ; and we truly rejoice that the American people have the disposition to quietly submit to the insults of a foreign emissary. For it is generally supposed that you have been sent out to this land by the Anti-Slavery Society of Great Britain, which, fearing the growing popularity of ("that venerable humbug," as you style it,) the American Colonization Society, has resolved to "carry the war into Africa."

It is truly a singular passage in the history of our times, that, because our American plan of emancipation does not suit the English abolitionists, they must despatch an agent to dictate to an independent and truly jealous people the plan of abolition they must adopt, and to prescribe the ways and means of carrying out that plan.

For many years past, your societies, regardless of consequences, have agitated this nation, through a thousand channels ; by correspondence with the Society of Friends, and other ecclesiastical bodies in this land ; by their auxiliary anti-slavery societies formed amongst Americans ; and last, though not least, by the direct agency of an experienced agitator, who comes to us fresh from under the shadow of the throne that he is pledged to support. Thus you come, with a mass of crude notions about the structure of republican society, and a determination to revolutionize it if you can. And with all the dogmatism peculiar to the dictator, you perambulate the country, and denounce America and her people—their religion and their literature—but chiefly the ministers of America. And why? Because we will not turn abolitionists.

You act as though we were insensible to the evils of slavery, and had no desire to remove those evils ; we assure you we know and feel the evils of slavery. Ah, yes ! this political ulcer is felt by all our good men, in all sections of our land, and many have been the prayers offered up to the great ruler, that he would guide our statesmen into the best way of removing it—that he would give them wisdom and firmness, and direct their hand whilst this political ulcer was being removed. But we are so sore and sensitive that we will not submit to the operations of a European quack ; no matter how liberal he may be considered at home, we maintain that strangers lack the knowledge and experience necessary to the discharge of this great work.

No doubt you are actuated by the purest motives of philanthropy in visiting the United States. You cannot be actuated by those foolish and unworthy motives that sometimes move men to go from home—that they may see the wonders of the new world, and be lionized abroad, and then return home to make capital of such a crusade against American Slavery, in the struggles of the "hustings," where a shout against American Slavery would be sufficient to canonize a man, especially in such a place as the Tower Hamlets. However, we will not impute such unworthy motives to you, for

surely you would not forsake your place in "the House" at this *crisis* unless more powerful influences and motives prompted you—hence, we think we do not err when we regard you as the emissary of the British Anti-Slavery Society.

Sir, you are the sworn representative of a part of the people of Great Britain, and as such you have erred in forsaking your post in "The House of Commons"—you have widely departed from that good council given to all men, "that you study to be quiet and to do your own business," by taking upon you such a mission as the revolution of a nation to which you owe no allegiance, and whose political structure is sound, with but the exception of domestic slavery.

Is the political structure of the English Government and nation so sound that they need no more cobbling—that its cobblers must go from home to find something to do? Are not Mr. T.'s votes and influence required to purge the Church of God from all the acknowledged abuses which "the crown" has introduced. You have full power to reform those abuses, for "the crown" is the Head of the English church—the crown regulates the Creed and Ritual; but the standing authority in the establishment is "the ministry" and their party in Parliament, the controlling branch of which is "the House" of which you are a member. If you wish to act as a reformer you can find a wide field in the establishment.

And when you have relieved three-fourths of England, and nine-tenths of the people of Ireland, from Church taxes and tithes which they pay to maintain church institutions that they will not respect, you can then turn your attention to poor Ireland, that "land for which God has done everything, but man nothing." There, sir, you will find white men reduced to a state of serfdom; *can they not* command your sympathies, and call out your greatest energies in behalf of "the oppressed?" We will not suppose for one moment you are of the many thousands of Englishmen, who are familiar with such expressions as "white savages," "Celts are incapable of enjoying liberty," "Celts cannot endure institutions." Oh no! doubtless you are too magnanimous; your mission to this land forbids the supposition. But then, sir, Ireland is suffering at this very moment from the iron heel of the Saxon. Why not run to her relief? You need not be alarmed at an approach to her, for she is now quiet. There is no longer cause for alarm, as the spirit of "The Nation" (*Mitchell*) has been arrested, and now lies in chains. No longer do the thunders of that press stir the masses of Ireland to deeds of revolt. The hand of power has depressed the rising spirit of an oppressed people. See how her hills and green plains are glistening with the many thousand bristling bayonets of British troops; one-third of your standing army being required to watch over a half-starved and heart-broken nation.

Go, recall your armies from that stricken land,—let your churchmen adopt the *voluntary system*, and no longer *force* an abjectly poor people to feed a lazy and luxurious clergy. Give Ireland a local



Legislature, and restore some of the rights of men to her people, and then you can lay some claim to the character of reformer.

But if you desire to become an American Reformer; if you are disgusted with the structure of European society, with its crime and poverty; no doubt you can find a home here, for the American nation in the exercise of an undoubted right, have resolved to give all white races a place among them; whilst they have refused to receive on the same terms the black man. But then if you come here you will be naturalized no doubt, and take the oath of allegiance to the *Constitution of the United States*, which we are sorry to say, closely binds three million fellow beings in domestic slavery. But this, neither you nor I can help, so the question with us is "to be, or not to be" an American citizen with all its advantages? This was the question that a person of our acquaintance weighed twelve years—seven years before he took the first oath, and five years before he took the final one, and then ended by becoming a reluctant but firm believer, in the doctrine of African colonization, and an advocate of direct separation of the African and white race, as the best and only remedy for the evils of American slavery. When you have passed through such a mental struggle you will be better prepared to *judge* American ministers and their religion; but whilst you are a subject of the British throne, that towers above, and is erected on millions of prostrate men, we assure you that your mission here will do the cause of African emancipation much harm.

We may be mistaken, but we think the American plan of emancipation has the approbation of God, and that it is His design to relieve us from the curse of slavery by a national system of colonization, which will make the colored man our equal, *but in a separate State*. But in carrying out this plan, England thinks herself called upon to embarrass us, and present as many obstacles as she can. The virulent attack of the British Anti-Slavery Society on Mr. Clay, because of his late emancipation letter, (that to Judge Robinson from New Orleans,) is fresh in the memory of all who have watched the movements of that association; which, although comprehending many good men, nay, the controllers of your empire, and which has for its objects many good things,—is yet wholly ignorant of the wants and condition of the republican institutions of the United States.

It is truly strange that a set of men unacquainted with the structure of republican society, or the necessity of each republican being in all essential things the equal of his neighbor, should with so much pertinacity oppose the separation of the races in this land, and the colonization of the colored race, and insist on unconditional emancipation on the soil of the United States. The secret seems to be the desire of the English people to entail on this country servile classes and castes, which must form the substrata of a privileged class, *and thus assimilate our institutions to those of England*, which will be a lasting guarantee to the existing institutions of the old world.

But if the above conduct of the English is strange, it is still more

strange that any American would receive his doctrines of emancipation from England; and yet how many are there who have permitted the conclaves of the old world to dictate to them on this one of the most important subjects that can claim the attention of the American people, whilst they turn away from the teachings of the fathers of the republic.

This state of things must be righted up, for it is unwise in the people of this nation to lend themselves to your plan. Indeed, it is time for Englishmen themselves to review the ground of action. A select and titled few, in an island not much larger than one of our States, yet controlling vast territories and colonies, far removed from their island home, resolved to make Britain's slaves free. The Crown spoke the word, and it was done. England's peasants were elevated a degree. But England's nobles and governors suffered no corruption of blood thereby, nor were deprived of any privilege. Emancipation in its effects, reach not to the shores of England. And then your second measure is to make us follow your example, although a corruption of blood stares us in the face, and sectional conflicts are sure to follow. And to carry your point, you bring down on us the whole moral power of your empire; and while you are united at home on your own plans of emancipation, you double your influence on us, by dividing our people as to *their* plans, making one-half adopt your system. Thus the American system has been crushed and embarrassed by the moral power of England.

Your third measure, the suppression of "the African slave trade," by armed blockade, should likewise be reviewed. In the stubbornness of your national character, you have drawn this nation into your measures on this point too; and now we are compelled by treaty to sustain a squadron of eighty guns on the western coast of Africa, at an annual expense of near \$300,000, and this, too, whilst our convictions are all in favor of colonization, as the best mode of suppressing that horrid traffic,—whilst your association has made your own treasury bleed for the same object at the rate of about \$120,000,000, exclusive of the sums expended by other nations in aiding you to blockade. And notwithstanding all this labor and expense, over 80,000 Africans are stolen from Africa annually.

These are your great national measures, and this is their cost; and we have been foolish enough to follow you. How much longer we will do so, we cannot tell. God grant that the time may be short. However, we have no doubt but the time will come when our statesmen will examine the figures, and discover that over one hundred settlements, as large as Liberia, which has suppressed the slave trade on over six hundred miles of the coast of Africa, can be founded for the sum you have paid to maintain a blockade, and thus a line of republics 60,000 miles in length, could be wrapped round and round the continent of Africa. But England hates colonization as practiced by Americans, and therefore she will not adopt the system.

But we think the time is coming when you shall be compelled to

abandon your plans and measures, and aid us in carrying out our measures; for before many years Russia and her coadjutors will place you in such circumstances as will enable us to dictate terms of aid; and be assured so long as there is one spring of enterprize left unbroken in American diplomacy, and one pulsation in America's mighty heart, that beats for equal rights and liberty, the articles that bind us to aid you against despotism, will bind you to aid us in the work of restoring the African to his country from which your fathers tore him, and to which he must be returned, ere we are secure.

You are represented as saying "that God has rained on the United States what is worse than pestilence and famine—*thirty thousand recreant priests.*" And why do you think them recreant? Is it because they cannot go to all the extremes of revolution, or opposition to governments, that the anti-slavery society which you serve dictates? Is it because the ministers of this nation are law abiding men? Is direct revolution, or opposition to governments any part of the divine commission given by the great teacher to his servants? Go to the Bible, sir, and there learn in the first place that it is a duty "to study to be quiet and to do your own business;" and it is the duty of the teacher of religion to "put them in mind to be subject to principalities and powers, to obey magistrates;" and as to the duty of the governed, it is clear—"let every one be subject to the higher powers, for there is no power but of God; the powers that be are ordained of God." "Wherefore ye must needs be subject not only for truth but for conscience sake." This was addressed to the Roman christians who were citizens of a nation; and under a government the most corrupt in that day; which, when contrasted with the republic of the United States, and our federal government, makes the teachings of revolutionists stand forth in black deformity. Truly, sir, this is an age of progress. You have far outstripped St. Paul in your "higher morality;" and feel authorized to absolve the American ministry of all obligation to governments. You spoke the truth when you said you did "not understand the religion" of those ministers.

The great mass of the ministers of the United States are men of *one work*; they avoid political strife, and dread a conflict with the regularly constituted powers of the land; they are not drilled to politics as your priests are. Nor is their class represented in the State or national councils by "**LORDS SPIRITUAL.**" They do not vote in such councils on questions of war, &c. &c. They were never guilty of voting such a thing as the war with China. They do not legislate to coerce an unwilling people to pay a tenth of their income to support "the lords spiritual" and their assistants. They never voted to proclaim martial law over a heart broken and starving people, nor to suspend the "habeas corpus act" as in the summer of 1848. Query. How did Mr. Thompson vote on the Irish question? No doubt he was for the repeal of the Legislative Union; "a

local Parliament" for Ireland; resident proprietors, and all the other liberal measures. Can we give you credit for all this?

We know that we are not blameless in the United States; but we doubt, *very much doubt*, whether the Great Ruler ever appointed a member of Parliament to convict us of our sins, or convert us to a better life. You must forgive us, sir, but we claim for our American religion as high a place as your European system holds.

But the great sin of the American ministry, when judged by the British Anti-slavery Society, and those in this country who import their opinions, is that they will not become abolitionists *without conditions and without plans*.

Were they to become abolitionists they would disorganize this nation, and possibly produce a civil war. This cannot be the first and great work of good men; and if they have any policy at all, it is a national policy, and not a sectional one. Think it not strange, then, that they are in favor of a separation of the white and colored races of this land as a *peace measure*. For they acknowledge the truth that "no two races kept distinct by the refusal of the stronger to fuse with the weaker, can dwell together in the same country on terms of social equality." We can give you many illustrations of this truth from the history of the world; and it matters not what constitutes *the line of distinction*, whether race, religion or color. The result is the same, if the line of distinction is maintained. You will find in the history of Ireland a striking example of the workings of this principle.

In Ireland you have two distinct races—the Milesian and the Saxon. The former are the rightful owners of the soil. The latter are the intruders. For ages they have struggled against each other for supremacy; nor did they ever amalgamate, for to do so would be to lose caste. So soon as the conquest was effected, stringent laws prevented a corruption of blood on either side. The Reformation found them in this state of strife. The Saxons followed their brethren in England and became protestants. The Milesians remained true to the catholic faith. Up to that time both had been of one faith. From the time of the reformation the line of distinction appears to be religion; but the actual line *is race*. I need not tell you what has been the consequence of this difference of race. It stands forth in characters of blood on every page of your country's history. And for the evils that afflict that unhappy land there are but two remedies—amalgamation, or a total separation of the races. If the first is not secured soon, American emigration will effect the second.

# INDEX TO VOL. I.

---

## A

### ABSENCE.

	PAGE.
Leave of, granted to Mr. Stevens.....	44, 701
Leave of, granted to Mr. Stover.....	56, 683
Leave of, granted to Mr. Hay of Clark.....	98, 817
Leave of, granted to Mr. Marrs.....	98, 173, 653
Leave of, granted to Mr. Manson.....	98, 281, 920
Leave of, granted to Mr. Huey.....	154, 281
Leave of, granted to Mr. Struble.....	154
Leave of, granted to the committee on Benevolent and Sci- entific Institutions.....	155, 218
Leave of, granted to the committee on Corporations.....	217
Leave of, granted to Mr. Crim.....	235, 287, 457, 787
Leave of, granted to Mr. Lindsey of Fayette.....	248, 787
Leave of, granted to Mr. Morris.....	248, 565
Leave of, granted to Mr. Holladay of Parke.....	264, 281
Leave of, granted to Mr. Mudget.....	267
Leave of, granted to Mr. Eccles.....	268, 495, 701
Leave of, granted to Mr. Carpenter.....	279, 315
Leave of, granted to Mr. Lewis.....	279, 315
Leave of, granted to the committee on Education.....	280
Leave of, granted to Mr. Hart.....	281
Leave of, granted to Mr. Cowgill.....	281
Leave of, granted to Mr. Buskirk.....	281
Leave of, granted to Mr. Goudy.....	281

Leave of, granted to Mr. Gunn.....	281
Leave of, granted to Mr. Kent.....	281
Leave of, granted to Mr. Taggart.....	281, 787, 900
Leave of, granted to Mr. Stuart.....	281, 495
Leave of, granted to Mr. Humphreys.....	281, 404
Leave of, granted to Mr. Davis of Franklin.....	281
Leave of, granted to Mr. Harrison.....	287, 919
Leave of, granted to Mr. Brady.....	376
Leave of, granted to Mr. Donham.....	404
Leave of, granted to Mr. Glazebrook.....	411
Leave of, granted to Mr. Staton.....	427
Leave of, granted to Mr. Cromwell.....	457
Leave of, granted to Mr. Suit.....	495
Leave of, granted to Mr. McConnell.....	592
Leave of, granted to Mr. Douthit.....	592
Leave of, granted to Mr. Hicks.....	602
Leave of, granted to Mr. Chowning.....	683
Leave of, granted to Mr. Huffstetter.....	683
Leave of, granted to Mr. Henry.....	701
Leave of, granted to Mr. Bulla.....	701
Leave of, granted to Mr. Laverty.....	701
Leave of, granted to Mr. Spencer.....	787
Leave of, granted to Mr. Scudder.....	787
Leave of, granted to Mr. Owen.....	817
Leave of, granted to Mr. Ray.....	845
Leave of, granted to Mr. Williams.....	854
Leave of, granted to Mr. McAllister.....	899
Leave of, granted to Mr. Hanna.....	900
Leave of, granted to Mr. Major.....	946
Leave of, granted to Mr. Walker.....	981

## ADJOURNMENT.

Resolutions of the House relative to, 255, 381, 479, 689, 808, 843,	864, 951
Messsages of the Senate in relation to.....	671
Ayes and noes on, 255, 257, 316, 531, 671, 709, 710, 713, 747, 843, 866	

## AGENT OF STATE.

Annual Report of.....	36
Resolution to go into election of.....	37
Election of.....	40

## ASSISTANT CLERK.

Andrew J. Boone elected.....	7
Resolution authorizing to employ assistants.....	29

## AUDITOR OF STATE.

Annual Report of ..	41
Communication from, relative to appraisement of real estate in the county of Lagrange .....	83
Communication from, in relation to distribution of surplus revenue .....	133
Communication from, in relation to amount paid counsel for State for last 10 years .....	158
Communication from, relative to county auditors, their duties and compensation.....	214
Communication from, relative to "expense" denominated "incidental" under head of "expenses of agency".....	229
Communication from, relative to the assessment and attaching of lien of personal property .....	258
Communication from, relative to saline lands yet unsold.....	433
Communication from, relative to expenses of Constitutional Convention .....	435
Communication from, relative to situation of the "three per cent. fund" .....	472
Communication from, relative to the State's interest in the Madison and Indianapolis Railroad.....	573
Communication from, relative to the cost of each work embraced in the internal improvement system, also the amount received by the State for tolls, on sale or other disposition thereof.....	725
Communication from, relative to road tax, road labor, and the number of supervisors in each county.....	756
Communication from, relative to cost of selecting swamp lands,	839
Communication from, relative to cost of assessment of personal property, and county boards of equalization.....	883
Communication from, relative to constituent parts of the "University Fund".....	942

## AYES AND NOES.

To lay on the table a resolution to abolish the office of Agent of State.....	37
On the passage of House bill No. 2.....	57
To indefinitely postpone House bill No. 16.....	190

To lay upon the table a resolution in regard to crimes and misdemeanors, and to abolish the grand jury system.....	65
On the passage of House joint resolution No. 1.....	67
On the adoption of a resolution relative to homestead exemption.....	69
To lay upon the table a resolution relative to the assessment of personal property.....	84
To indefinitely postpone the same.....	85
On the adoption of resolution in regard to the assessment of property for taxation.....	87
On passage of House bill No. 5.....	89
On a resolution to reduce the fees and salaries of State and county officers.....	97
On passage of House bill No. 11.....	102
On passage of House bill No. 13.....	117
On concurring in and printing report of the Judiciary Committee.....	128
To lay upon the table House bill No. 21.....	139
On passage of House bill No 15.....	140
On passage of House joint resolution No. 2.....	150
On postponing resolution providing for three judges of the Supreme Court.....	154
To lay upon the table House bill No. 26.....	156
On adoption of resolution relative to a free banking law.....	168
On rejecting Senate joint resolution No. 12.....	169
To lay upon the table an amendment to Senate joint resolution No. 12.....	170
To lay upon the table an amendment to Senate joint resolution No. 12.....	171
On the adoption of an amendment to Senate joint resolution No. 12.....	172
On the adoption of an amendment to House bill No. 16.....	176
On the adoption of an amendment to House bill No. 16.....	176
On Mr. Foster's amendment to House bill No. 16.....	177
On the passage of House bill No. 21.....	178
On reconsidering vote to lay on table House bill No. 16.....	179
On a resolution authorizing county commissioners to fix the amount of license for shows, circuses, menageries, &c.....	183
On reconsidering the vote by which Mr. Miller's amendment to House bill No. 16 was adopted.....	184
On recommitting House bill No. 16 with the instructions of Mr. English.....	185
On Mr. Smith of Spencer's amendment to a resolution of Mr. Owen relative to a law of descents.....	187
To lay upon the table the amendment of Mr. King to House bill No. 16.....	188
To lay upon the table the amendment of Mr. Glazebrook to House bill No. 16.....	189



On engrossment of House bill No. 14.....	194
On suspending rule to read House bill No. 33 a third time....	198
On the passage of House bill No. 33.....	199
On the passage of House bill No. 25.....	200
On dispensing with Sergeant-at-arms.....	206
To lay upon the table House bill No. 35.....	209
On suspending the rule to read Senate bill No. 20 a third time,	210
On the passage of Senate joint resolution No. 12.....	210
On motion by Mr. Williams to recommit House bill No. 16	
with instructions.....	212
On the passage of House bill No. 16.....	212
On the passage of House bill No. 6.....	218
On the passage of House bill No. 14.....	219
On the passage of House bill No. 36.....	230
On the passage of House joint resolution No. 6.....	231
On the passage of Senate bill No. 20.....	232
To lay on the table the motion to reconsider the vote on dis-	
pensing with the Sergeant-at-arms.....	233
On reconsidering the vote dispensing with the services of Ser-	
geant-at-arms.....	233
To lay upon the table a resolution relative to county assessors	236
On a resolution relative to providing for township assessors to	
assess personal property.....	237
On appointing Mr. Holloway Assistant Doorkeeper to the House,	238
On laying upon the table a resolution relative to the assessment	
of real and personal property.....	243
On the indefinite postponement of a resolution relative to pay	
of Doorkeeper and assistants.....	246
To lay on the table the amendment by Mr. English to a resolu-	
tion relative to the adjournment of the House.....	255
To lay the amendment of Mr. English to a resolution relative	
to adjournment on the table.....	256
On a resolution relative to adjournment.....	257
On concurring in the first engrossed amendment of Senate to	
engrossed bill of the House No. 6.....	261
On the passage of Senate joint resolution No. 22.....	263
On Mr. Hudson's amendment to Senate joint resolution No. 34,	265
On Mr. Behm's amendment to Senate joint resolution No. 34,	266
On ordering Senate joint resolution No. 34, to a third reading,	267
On the passage of House bill No. 42.....	269
On the passage of House joint resolution No. 5.....	271
On suspending the rule to read House bill No. 40 a third time	
now.....	272
On the passage of House bill No. 40.....	273
To recommit House bill No. 17, with instructions.....	274
On the passage of House bill No. 17.....	275
On the passage of House bill No. 31.....	275
On the passage of Senate bill No. 30..	276

To lay the motion to commit Senate joint resolution No. 34, with instructions, on the table.....	277
On the passage of Senate joint resolution No. 34.....	278
On the passage of House bill No. 28.....	279
On concurring in engrossed amendments of Senate to House bill No. 5.....	286
On excusing absentees.....	287
On concurring in engrossed amendments of Senate to House bill No. 5.....	288
On the amendment of Mr. Nelson to a resolution relative to a general free banking law.....	300
On the passage of House joint resolution No. 8.....	302
On the passage of House joint resolution No. 7.....	308
On the passage of House bill No. 46.....	310
On the passage of Senate bill No. 27.....	311
On the passage of House joint resolution No. 9.....	312
On adjourning.....	314
On a resolution relative to the absence and per diem of members	316
On the passage of House bill No. 52.....	319
On the passage of House joint resolution No. 10.....	319
On the amendment of Mr. King to House bill No. 21.....	324
On suspending rule to read House bill No. 58 a second time now	332
On suspending rule to read House bill No. 59 a second time now	333
On amendments proposed by committee to House bill No. 21.	336
To lay on the table the amendment of Mr. Smith of Spencer to House bill No. 21.....	338
To lay on the table the amendment of Mr. Hudson to House bill No. 21.....	339
On suspending rule to read House bill No. 62 a second time now	343
On suspending rule to read House bill No. 56 a second time by its title.....	344
On passage of House joint resolution No. 11.....	346
To lay on the table a resolution relative to granting the Hall to the State Temperance Convention.....	352
On the amendment of Mr. Lindsay to resolution granting Hall to the State Temperance Convention.....	352
On Mr. Shanklin's resolution relative to granting use of the Hall to the State Temperance Convention.....	353
To lay on the table a resolution in reference to granting use of the Hall to the State Temperance Convention and State Con- ventions of the 24th and 26th days of February, 1852.....	353
To lay on the table a resolution in reference to grand jury system.....	355
On the passage of House bill No. 56.....	356
On the passage of House joint resolution No. 12.....	357
On the passage of House bill No. 41.....	358
On a resolution granting the Hall to the State Temperance Convention.....	362

On a resolution to abolish capital punishment .....	368
On Mr. Hudson's amendment to House bill No. 21.....	373
On the engrossment of House bill No. 21.....	374
On the disagreement of the House to engrossed amendments of the Senate to House bill No. 31.....	375
On suspending the rule to read House bill No. 70 a second time now.....	381
To lay on the table a resolution relative to abolishing all laws licensing the sale of ardent spirits .....	382
To lay on the table a resolution relative to abolishing the grand jury system.....	390
On the amendment of Mr. English to a resolution relative to the organization of a grand jury .....	391
On the passage of House bill No. 60 .....	394
On suspending the rule to read House bill No. 70 a second time by its title .....	395
On the passage of Senate bill No. 11.....	402
To indefinitely postpone House bill No. 23.....	405
On the passage of House bill No. 23.....	405
To lay on the table House bill No. 74.....	412
On the passage of House bill No. 69.....	413
On the passage of House bill No. 65.....	418
To lay on the table the report and resolutions of the commit- tee on Banks.....	426
On referring report and resolutions of the committee on Banks to the select committee on Free Banks.....	427
On a resolution by Mr. Manson relative to abolishing all laws for collection of debts.....	447
On reconsidering the vote by which the House laid on the table and ordered to be printed the report of the Auditor of State in reference to the expenses of the Constitutional Convention,	450
On printing the report of Auditor of State showing a statement of the expenses of the Constitutional Convention .....	451
On the passage of House bill No. 76.....	452
On the passage of House joint resolution No. 13 .....	454
On the passage of House bill No. 62.....	459
On rejecting House bill No. 83.....	467
On a resolution relative to the House meeting in the afternoon,	480
On passage of House bill No. 47 .....	482
On the passage of House bill No. 67.....	483
On passage of House bill No. 78 .....	483
On passage of Senate bill No. 36 .....	484
To lay on the table amendment of Mr. English to House bill No. 83.....	486
On postponing and making special order House bill No. 83....	494
To lay on the table amendment of Mr. Buskirk to House bill No. 83.....	498
On postponing further consideration of House bill No. 83 ....	499
On reconsidering the vote to postpone House bill No. 83 .....	500

On referring to committee on Rights and Privileges House bill No. 83 .....	500
To lay on the table House bill No. 54 .....	504
On adoption of resolution by Mr. McDonald .....	515
On the amendment of Mr. English to House bill No. 83 .....	528
On referring to select committee House bill No. 83 and amendment .....	530
On the amendment of Mr. Spencer to House bill No. 83 .....	530
On the amendment of Mr. Stuart to House bill No. 83 .....	531
On adjournment .....	531
On engrossment of House bill No. 83 .....	532
On the amendment of Mr. Gibson to House bill No. 54 .....	540
On the amendment of Mr. Holman to House bill No. 54 .....	541
On suspending rule to read House bill No. 98 second time .....	542
On suspending rule to read a third time House bill No. 98 .....	553
On passage of House bill No. 98 .....	553
On the amendment of Mr. English to House bill No. 70 .....	555
On the amendment of Mr. Stuart to House bill No. 70 .....	572
On a resolution relative to usury by Mr. Beeson .....	580
On the amendment of Mr. Spencer to House bill No. 70 .....	581
On the engrossment of House bill No. 70 .....	582
On a resolution relative to the number of judicial circuits, by Mr. Suit .....	584
To lay on the table a resolution relative to abolishing probate system, by Mr. Beach .....	585
To lay on the table the amendment to a resolution abolishing probate system, by Mr. Holman .....	585
To lay on the table the amendment of Mr. Williams to the resolution by Mr. Beach .....	586
On the adoption of the resolution by Mr. Beach relative to abolishing probate system .....	586
To lay on the table a motion by Mr. Nelson to reconsider the vote on engrossment of House bill No. 70 .....	587
To lay on the table House joint resolution No. 14 .....	589
On the passage of House joint resolution No. 14 .....	589
On the passage of House bill No. 34 .....	590
On the passage of House bill No. 61 .....	591
On committing House bill No. 79 .....	600
On recommitting with instructions House bill No. 83 .....	601
On the passage of House bill No. 83 .....	602
On the passage of House bill No. 54 .....	609
On the passage of House bill No. 27 .....	611
On the passage of House bill No. 87 .....	613
On the passage of House bill No. 88 .....	624
On the rejection of Senate joint resolution No. 55 .....	625
On the passage of House bill No. 90 .....	625
To indefinitely postpone House bill No. 106 .....	627
On the amendment of Mr. Cockrum to House bill No. 108 .....	629

On the passage of House bill No. 92.....	631
On the passage of House bill No. 94.....	632
On the passage of Senate joint resolution No. 26.....	633
On the passage of House joint resolution No. 16.....	633
On the amendment of Mr. McDonald to a resolution relative to abolishing capital punishment.....	642
On the passage of House bill No. 26.....	643
To lay on the table Senate bill No. 58.....	645
On the passage of House bill No. 103.....	646
On the passage of House bill No. 110.....	647
To lay on the table the amendment by Mr. Graham to House bill No. 115.....	655
To lay on the table the amendment by Mr. Shanklin to House bill No. 115.....	656
On committing House bill No. 115.....	657
To lay on the table House bill No. 115.....	657
On the engrossment of House bill No. 115.....	658
To lay on the table the report of Judiciary committee and House bill No. 17.....	665
On recommitting with instructions House bill No. 21.....	667
On recommitting with instructions House bill No. 21.....	668
On the passage of House bill No. 21.....	668
On concurring in the report of Judiciary committee on House bill No. 17.....	669
On concurring in the 1st amendment of the Senate to House bill No. 17.....	670
To lay on the table the amendment by Mr. Gibson to a Senate resolution on adjournment.....	671
On taking up and placing on file Senate bill No. 58.....	680
On the passage of House bill No. 89.....	681
On the passage of House bill No. 112.....	682
On reconsidering the vote on the resolution by Mr. Owen, re- questing the Senate to return a resolution.....	690
On the amendment of Mr. Scudder to instructions on recom- mitting House bill No. 115.....	691
On the passage of House bill No. 115.....	692
On ordering the main question to be now put.....	694
On ordering to a third reading Senate bill No. 58.....	694
On the passage of House bill No. 89.....	695
On the passage of Senate bill No. 63.....	698
On the passage of House bill No. 64.....	699
On the passage of House bill No. 91.....	699
On the passage of House bill No. 3.....	703
On the passage of House bill No. 68.....	705
On the passage of House bill No. 120.....	705
On the amendment by Mr. Stuart to the instructions on com- mitting Senate bill No. 58.....	707
On committing with instructions Senate bill No. 58.....	708

On adjournment .....	709
On reconsidering the vote to commit with instructions Senate bill No. 58.....	709
On adjournment.....	710
On the amendment by Mr. Hays to the instructions on committing Senate bill No. 58.....	710
On the amendment by Mr. Stuart to Mr. Hays' instructions on committing Senate bill No. 58 .....	711
On adjournment.....	713
On postponing the consideration of Senate bill No. 58.....	713
On the passage of Senate bill No. 58.....	714
On a resolution of Mr. Smith of Spencer, making seduction a capital offence .....	716
On the amendment by Mr. Owen to the resolution by Mr. Holman on University fund.....	719
On referring the subject of applying University funds to common school purposes .....	720
On the amendment of Mr. Holman to resolution by Mr. Owen on University fund.....	720
On the amendment by Mr. Stuart to House bill No. 42.....	742
On concurring in engrossed amendments of Senate to House bill No. 42.....	742
On the passage of House bill No. 122.....	743
To lay on the table rule No. 59, as reported by committee....	746
On adjournment.....	747
On the adoption of rule No. 59.....	747
On suspending the rule to read a second time by its title House bill No. 132.....	752
On suspending the rule to read a third time now House bill No. 132.....	753
On the passage of House bill No. 132.....	753
On referring with instructions House bill No. 82 .....	755
On the passage of House joint resolution No. 16 .....	758
To lay on the table, with the amendments, Senate bill No. 58..	761
On reconsidering the vote on engrossment of House bill No. 82,	762
On the amendment by Mr. English to House bill No. 82.....	769
On the amendment by Mr. Owen to House bill No. 82.....	769
On the amendment by Mr. Hudson to instructions on House bill No 93 .....	771
On the amendment by Mr. Miller to instructions on House bill No. 93 .....	772
On recommitting House bill No. 93.....	774
On the instructions to House bill No. 93.....	774
On the amendments by Mr. Douthit to the instructions to House bill No. 104.....	779
To lay on the table the instructions to House bill No. 104....	780
To lay on the table the motion to reconsider the vote adopting Mr. Douthit's amendment to instructions.....	780

On reconsidering the vote adopting Mr. Douthit's amendment to the instructions.....	781
On the amendment to the instructions to House bill No. 104..	781
On referring to select committee House bill No. 104 .....	782
On the amendment by Mr. Owen to House bill No. 134.....	789
On the amendment by Mr. Humphreys to House bill No. 134.	789
To lay on the table the instructions by Mr. Gibson to House bill No. 134.....	790
On recommitting with instructions House bill No. 134.....	792
On concurring in the report of Judiciary Committee on House bill No. 109.....	794
On recommitting with instructions, House bill No. 109.....	795
On the passage of House bill No. 109.....	796
On suspending the rule to read a first time by its title House bill No. 137.....	797
On suspending the rule to read a second time by its title House bill No. 137.....	798
On the amendment by Mr. Stuart, to House bill No. 93.....	801
To lay on the table the amendments to House bill No. 93....	802
On the engrossment of House bill No. 93.....	802
To lay on the table House joint resolution No. 21.....	811
On the passage of House joint resolution No. 17.....	813
On the passage of House bill No. 129.....	813
On the passage of House bill No. 82.....	814
On the passage of Senate joint resolution No. 67.....	815
On the resolution by Mr. Doughty, relative to probate business,&c	816
On the amendment by Mr. Gibson to House bill No. 136.....	819
On the amendment by Mr. Stover to House bill No. 136.....	819
On postponing the special order of House bill No. 59.....	820
On the amendment by Mr. Smith of Spencer to House bill No. 136,	821
On recommitting with instructions House bill No. 136.....	822
On the amendment by Mr. Williams to House bill No. 136...	822
On suspending the rule to read a second time by its title House bill No. 139.....	823
On the passage of House joint resolution No. 22.....	825
On the passage of House bill No. 93.....	833
On the passage of House bill No. 135.....	833
On the passage of House joint resolution No. 20.....	834
On the amendment by Mr. McDonald to the instructions on House bill No. 48.....	835
On the passage of House bill No. 48.....	836
To indefinitely postpone the resolution authorizing the committee to visit the State Prison.....	838
On reconsidering the vote on indefinitely postponing the resolution authorizing the committee to visit the State Prison....	840
On the amendment of Mr. Lewis to resolution by Mr. Goudy relative to leave of absence.....	842
To lay on the table the resolution and amendment relative to adjournment .....	843

On rejecting joint resolution of the House No. 25.....	845
On the passage of House bill No. 136.....	850
On the amendment by Mr. Holman to House bill No. 123.....	852
To lay on the table the amendment by Mr. Hudson to House bill No. 123.....	853
On filling the blank with "15," as the number of circuits, House bill No. 123.....	854
On filling the blank with "13," as the number of circuits, House bill No. 123.....	855
On filling the blank with "10," as the number of circuits, House bill No. 123.....	855
On the amendment by Mr. Hudson to House bill No. 70.....	856
On the engrossment of House bill No. 70.....	858
On indefinitely postponing House bill No. 133.....	859
On the passage of House joint resolution No. 23.....	860
On the amendment by Mr. Donaldson to a resolution by Mr. Holman relative to adjournment, &c.....	865
On the resolution by Mr. Holman relative to adjournment, &c.....	866
To lay on the table the motion to reconsider the vote indefinitely postponing the resolution of adjournment <i>sine die</i> , by Mr. Cockrum.....	866
On the passage of House bill No. 80.....	869
On the passage of House bill No. 80.....	871
To lay on the table House bill No. 145.....	872
On the engrossment of House bill No. 145.....	872
On suspending the rule to read a second time by its title Senate bill No. 80.....	874
On suspending the rule to read a third time now Senate bill No. 80.....	875
On the passage of House bill No. 142.....	876
On referring House bill No. 151.....	882
To lay on the table Senate bill No. 47.....	893
On referring Senate bill No. 47.....	894
On ordering to a third reading Senate bill No. 47.....	894
On the passage of House bill No. 145.....	895
On the passage of Senate bill No. 80.....	896
On insisting on the amendment of the House to Senate bill No. 80.....	898
On the passage of House bill No. 79.....	899
To lay on the table the resolution relative to a re-valuation of the real estate.....	901
To lay on the table the resolution relative to State Board of Equalization.....	902
On the amendment by Mr. Holman to the resolution relative to a State Board of Equalization.....	903
On the resolution relative to a State Board of Equalization...	903
On a resolution by Mr. Withers to print 1500 copies of Auditor's Report in German.....	905



On a resolution by Mr. Barker to print a portion of the laws in German.....	906
On recommitting with instructions, House bill No. 102.....	907
On the passage of Senate bill No. 47.....	920
On the passage of Senate joint resolution No. 69.....	921
On the passage of House bill No. 142.....	921
On the passage of Senate bill No. 47.....	922
On the passage of House bill No. 109.....	923
On the passage of House bill No. 109.....	924
On the amendment by Mr. Wells to House bill No. 118.....	934
To lay on the table the amendment by Mr. Smith of Spencer to House bill No. 118.....	934
To lay on the table the amendment by Mr. English to House bill No. 118.....	935
On the amendment by Mr. English to House bill No. 118.....	936
To lay on the table the motion by Mr. Wells to indefinitely postpone House bill No. 118.....	936
On the amendment by Mr. Wells to House bill No. 118.....	937
On the engrossment of House bill No. 118.....	937
On suspending the rule to read a second time by its title House bill No. 156.....	938
On the passage of House bill No. 40.....	939
On the passage of House joint resolution No. 24.....	940
On indefinitely postponing House bill No. 160.....	953
On the passage of House bill No. 118.....	954
On the passage of House bill No. 136.....	955
On the amendment by Mr. Dice to House bill No. 163.....	958
To lay on the table House bill No. 163.....	959
On the passage of House bill No. 71.....	960
To lay on the table House bill No. 127.....	961
To lay on the table the motion to indefinitely postpone House bill No. 127.....	962
To lay on the table House bill No. 127.....	962
On indefinitely postponing House bill No. 127.....	963
On the passage of House bill No. 138.....	964
On the passage of House bill No. 144.....	964
On the passage of House bill No. 157.....	965
On the passage of House bill No. 158.....	966
On the passage of Senate bill No. 33.....	967
On the passage of Senate joint resolution No. 48.....	968
On the passage of Senate joint resolution No. 77.....	969
To recommit with instructions House bill No. 108.....	980
To lay on the table House bill No. 108.....	981
On the amendment by Mr. Stover to instructions on House bill No. 59.....	984
On the amendment by Mr. Beeson to instruction on House bill No. 59.....	986

On the amendment by Mr. Stuart to Senate bill No. 88.....	987
On the amendment by Mr. Buskirk to House bill No. 150.....	989
On the amendment by Mr. Smith of Spencer to House bill No. 150.....	990
To lay on the table the amendment by Mr. Donaldson to House bill No. 150.....	991
On the passage of House bill No. 164.....	992
On the passage of House bill No. 165.....	993

## BANK. STATE.

Reports of the branches of.....	58
Annual report of.....	77
Report of branch at Indianapolis.....	101
Election of Director of, on part of House.....	90
Communication from President of.....	505
Communication from President of, relative to the amount of money loaned by each branch to stockholders.....	721

## BARKER, HENRY W.

Appeared and was qualified.....	4
Petitions by.....	201, 414, 878, 979
Reports by.....	980
Resolutions by.....	30, 45, 101, 154, 201, 259, 905
Motions by.....	13, 181, 351, 657, 670, 845, 857, 873, 981

## BEACH, WILLIAM B.

Appeared and was qualified.....	3
Reports by 127, 152, 203, 252, 368, 408, 423, 461, 502, 524, 618 637, 673	
Resolutions by.....	42, 46, 59, 72, 325, 392, 542, 584
Bills by.....	368
Motions by 43, 99, 149, 235, 265, 284, 336, 338, 394, 413, 427, 452 456, 475, 498, 547, 550, 584, 586, 603, 626, 634, 735 738, 771, 871, 874, 875	
Leave given to vote.....	481, 609, 629

## BEANE, JOSEPH.

Appeared and was qualified.....	4
Petitions, &c., by.....	191, 223, 330, 684

Resolutions by.....	70
Motions by.....	701

## BEESON, JUNIUS.

Appeared and was qualified.....	5
Petitions, &c., by .....	384
Reports by .....	183, 380, 429
Resolutions by 54, 167, 182, 197, 204, 245, 260, 388, 469, 481, 580	598, 640, 717
Bills by.....	393
Motions by 174, 238, 300, 324, 356, 368, 396, 479, 545, 602, 667	700, 707, 748, 770, 787, 985

## BEHM, GODLOVE O.

Appeared and was qualified....	5
Petitions by.....	104, 191, 304, 575, 604, 861, 969, 994
Reports by 85, 105, 127, 180, 193, 297, 329, 422, 460, 476, 502, 517	618, 636, 664, 730, 948
Resolutions by...37, 46, 70, 225, 241, 259, 447, 478, 498, 563, 570	
Bills by.....	173, 301, 517, 729, 751
Notices by .....	57
Motions by 140, 170, 171, 194, 198, 202, 218, 220, 241, 247, 256	264, 313, 318, 327, 339, 603, 605, 624, 640, 643, 670
	715, 717, 884, 850, 854, 861, 875, 960, 962
Leave given to vote.....	614

## BILLS OF THE HOUSE OF REPRESENTATIVES.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
1	A bill to provide for the election of commissioners to revise, simplify and abridge the rules, practice, pleadings and forms of courts of justice, and defining their duties, fixing their compensation, and regulating their tenure of office.....	30	38, 193,				
2	A bill to authorize clerks of circuit courts to take and approve the official bonds of sheriffs, coroners, and county auditors.....	41	47, 57,	57	167	201	222
3	A bill to regulate the mode of proceeding against the White Water Canal Company, and for failing to build, repair, and keep up bridges.....	41	47, 48, 575, 698, 702,				
4	A bill to extend jurisdiction of the writ of habeas corpus to masters in chancery....	41	48, 50,	703			
5	A bill to authorize clerks of the circuit courts and masters in chancery to issue writs of habeas corpus, and to try cases arising						

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6	under such writs, and to award injunctions, and writs of ne exeat, and providing their compensation for such services.....	50	74, 89	89	278	285, 288	333
7	A bill to provide for the appointment of commissioners to revise and simplify the practice and pleadings of courts of justice, and to reduce into a systematic code the statute law of the State.....	56	74, 192	218	261	269, 322, 325	349
8	A bill declaratory of the meaning or extent of the operation of an act for the benefit of the Clark Co. Central Plank Road Company.....	73	88				
9	A bill to amend the 6th section of the act entitled an act to incorporate the Peru and Indianapolis Railroad, approved January 19, 1846.....	73	88, 465				
10	A bill to authorize county auditors and recorders to re-copy maps and plats, when the original copies are worn or defaced.....	73	88				
11	A bill to provide for the election of the Judges of the Supreme Court.....	73	88, 89				
	A bill to authorize the Secretary of State to furnish the clerk's offices of the several counties, copies of the local and general laws, and providing for the binding of the same.....	73	89	102	404		453

## BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
12	A bill to amend the 9th section of an act entitled an act to incorporate a company to construct a railroad from Evansville, on the Ohio river, to connect with the Ohio and Mississippi Railroad at or near Olney, in the State of Illinois, via Princeton, Gibson county, Indiana, and Mt. Carmel, Illinois, approved January 2d, 1849, and to repeal the 12th section of an act entitled an act to amend the charter of the Evansville and Illinois Railroad Company, approved February 8th, 1851, and to insert another section in lieu thereof .....	74	89				
13	A bill to authorize the Grand Lodge of Free Masons of the State of Indiana, to erect and maintain a monument on the battle ground of Tippecanoe.....	86	102	116	202	220, 297	334
14	A bill for the subscription and preservation						

15	of public newspapers printed in the several counties in this State .....	90	102, 191, 194	219	
	A bill to fix the time at which county treasurers shall be required to make their annual settlements with county auditors, and with the Auditor of State, and to authorize them to make depositories, under the direction of the Treasurer of State.....	94	115, 140	141	558
16	A bill to amend the first, second and third sections of an act entitled an act for the more effectual, just and equal assessment and valuation of the personal property, moneys, rights, credits, effects and corporation stocks in the State of Indiana, approved February 13th, 1851.....	95	{ 115, 116, 128, 129, 156, 158, 175, 179, 184, 188, 211, 212.		632
17	A bill to provide for the appointment of a reporter, and the speedy publication of the decisions of the Supreme Court.....	95	116, 117, 238, 262, 274	275	607
18	A bill providing for the examination and admission of insane persons into the Lunatic Asylum of the State of Indiana.....	96	116, 141, 534		{ 635, 665, 669, 715, 735.
19	A bill for the relief of Sarah Suran.....	96	116, 127		
20	A bill to divide the State into Congressional districts.....	101	116, 467		
21	A bill to limit the number of grand jurors, and to point out the mode of their election, and repealing all laws inconsistent with this act.....	113	{ 139, 140, 238, 323, 336, 372, 374, 394, 666.		668

## BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
22	A bill authorizing the clerks of the circuit court, to take the acknowledgment of deeds in certain cases.....	115	140, 143, 221				
23	A bill to compute interest annually upon notes or other obligations made payable to executors, administrators and guardians	139	150, 158, 208, 245, 325, 345, 404, 405,				
24	A bill providing a remedy for the illegal re- duction of the aggregate valuation of real estate in the several counties of this State,	143	156	178	376	383	453
25	A bill to provide for publishing the acts and joint resolutions of the General Assembly,	146	156, 199, 206	200	244		334
26	A bill to exempt property from sale in cer- tain cases .....	146	156, 457, 544, 606, 634, 641, 643				
27	A bill for the more uniform mode of doing township business.....	146	157, 235, 560, 576, 611	611			
28	A bill to repeal the 11th, 12th and 13th sections of an act to amend an act entitled an act to amend the act entitled an act to incorpo-						



29	rate the city of Fort Wayne, and all acts and parts of acts amendatory thereto....	149	157, 252, 276	279	681	748
	A bill to authorize railroad commissioners to change State and county roads in certain cases, and requiring such companies to pay damages.....	149	157			
30	A bill to provide for the selection of grand jurors, and limiting their jurisdiction.....	151	157, 238			
31	A bill entitled "an act to regulate visiting the Insane Hospital of the State of Indiana,"	155	174, 254, 275	275	346	453
32	A bill to enable the board of commissioners of Porter county to borrow money for certain purposes.....	167	208, 407			
33	A bill to abolish the Tippecanoe court of common pleas; to provide for the trial of causes pending therein; and to regulate all proceedings in reference to the records, judgments, orders, and decrees thereof....	173	198, 206	199	244 296	333
34	A bill authorizing recorders to make out general or complete indexes to records of deeds and mortgages, and to procure and use seals	174	208, 475, 589	590	863	956
35	A bill to amend the first, second and third sections of an act entitled "an act for the more effectual, just and equal assessment and valuation of the personal property, moneys, rights, credits, effects and corporation stock in the State of Indiana," approved February 13, 1851.....	178	208			

## BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other Proceedings.</i>	<i>Approved.</i>
36	A bill to authorize the Governor of this State to engage the services of a clerk to examine the maps and lists of the swamp lands granted by the General Government to this State.....	181	211, 230	230	296		334
37	A bill relating to the organization of the supreme court, its judges, their terms, jurisdiction, powers and duties, and matters incident thereto.....	193	217				
38	A bill prescribing rules for making drafts upon the county treasury, and for the limitation of county expenditures.....	197	218				
39	A bill to legalize the action of school commissioners in cases where the tax duplicates have been made out before the taking effect in their counties of the school law of 1849.	198	218, 424, 967, 988				
40	A bill to regulate the vending of wooden,						

41	brass or composition clocks in the several counties of this State.....	207	229, 461, 901, 939	939		
	A bill authorizing the State Librarian to purchase stoves for the Hall of the House of Representatives, and to dispose of the old ones now on hand.....	223	246			
42	A bill to authorize railroad companies to borrow money and to secure the re-payment thereof by mortgage.....	228	247, 267, 269	269	607	607, 733, 741
43	A bill for the further relief the poor.....	228	247			764
44	A bill to extend the time of final payment for University lands, and to exempt purchasers of such lands from forfeiture of the same in certain cases.....	228	247, 271, 309, 357	358		
46	A bill to prohibit negroes and mulattoes from coming into the State of Indiana, and for the registering of such as are entitled to reside therein, and to prevent contracts with negroes and mulattoes not entitled to such residence .....	240	267, 636		533	571
46	A bill to provide for the subscription by the State Librarian for one copy annually of each of the public weekly newspapers published in this State, and for the binding thereof	246	268, 297, 310			
47	A bill to provide for making out and printing a catalogue of the books in the State Library.....	246	268, 432, 482			

## BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
48	A bill to provide for the sale of county seminaries and the property belonging thereto, and to transfer the proceeds thereof to common school fund.....	253		836			377
49	A bill to amend the 10th and 11th sections of article 2 of chapter 12 of part 1 of the Revised Statutes of 1843, on the subject of enlisting property for taxation.....	268	272	273	350		
50	A bill to attach township No. 1, north of range 8 west, and sections Nos. 31, 32, 33, 34, 35 and 36, in township No. 2, north of range 8 west, now constituting a part of the county of Knox, to the county of Pike	298	309, 358, 422				
51	A bill to amend the act entitled "an act authorizing the construction of plank roads," approved January 15th, 1849.....	301	309				
52	A bill to abolish the Marion court of common pleas, and to transfer the proceedings and						

53	records to the Marion circuit court . . . . .	302	309, 319	219	419	453
	A bill districting the State into Congressional districts, and showing the number of inhabitants in each . . . . .	302	309, 467			
54	A bill concerning deeds and mortgages, their acknowledgment, and fee for recording the same . . . . .	308	317, 503, 537, 608			
55	A bill in relation to the organization of the Senate and House of Representatives . . . .	317	329, 334			
56	An act making general provisions concerning courts of justice and the powers and duties of judicial officers . . . . .	325	344, 356	357	630	634, 644, 648, 660
57	An act to change the name of the town of Bellefontaine, in Marion county, to that of Vertland . . . . .	328	345, 423			
58	A bill providing for laying out, opening, working on, changing and vacating highways, the erection of bridges, the officers entrusted with the care and superintendence of highways and bridges, of the election and appointment and duties of supervisors, and other miscellaneous provisions relating to highways . . . . .	332	{ 332, 420, 452, 749, 927			
59	A bill to provide for the incorporation of railroad companies . . . . .	333	{ 333, 455, 469, 677, 820, 982, 983			
60	A bill to empower railroad companies to receive lands, lots, and other property in subscription of stock . . . . .	343	355, 367, 394	394	477	565

## BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
61	A bill to prevent the destruction of stock by locomotives and cars upon railroads.....	343	356, 474, 510, 591	591			
62	A bill for the limitation of civil actions.....	343	344, 416, 452, 459	460			
63	A bill to authorize the formation of limited partnerships.....	349	371, 460, 674				956
64	A bill to establish public libraries.....	367	383, 676, 699	699	868		
65	A bill authorizing circuit courts to change the names of persons.....	368	393, 408, 418	419	527		571
66	A bill to provide for the several prosecuting attorneys of this State to occupy the grand jury room as an office free of charge...	371	393, 476				
67	A bill to change the time of holding courts in the 8th judicial circuit.....	371	393, 432, 482	483	607		632
68	A bill for the formation of agricultural societies, and the encouragement of agriculture,	379	395, 554, 685, 704	705	868		956
69	A bill to authorize the formation of voluntary associations.....	379	395, 413	413			
70	A bill to establish courts of common pleas,						

71	and defining the jurisdiction and duties of the judges thereof.....	380	{ 395, 396, 543, 544, 546, 551, 569, 581, 846, 856, 941. 411, 543, 607, 635, 946, 960.	961		
72	A bill for the incorporation of county libraries.	385	412, 419			
73	A bill to repeal certain acts therein named...	386	412			
74	A bill regulating interest upon contracts.....	392	412			
75	A bill to abolish the grand jury system.....	392	413, 666, 669			
76	A bill to provide for the election of electors of President and Vice President of the United States, and the compensation of certain officers and persons in relation to elections, and repealing all laws inconsistent with this act.....	407	418, 452	453		
77	A bill providing for the election, empanneling, compensation and duties of grand juries....	411	418, 666, 669			
78	A bill to provide for a uniform enumeration of the sub-divisions of sections and quarter sections in the township of land in Monroe county, reserved for a State Seminary; and for making out and recording the plats of such subdivisions, and the compensation therefor .....	420	451, 483	483	554	592
79	A bill authorizing the construction of plank, McAdamized, and gravel roads .....	425	{ 471, 517, 559, 599, 791, 849, 876, 898.	899		
80	A bill for the relief of the poor.....	429	471, 775, 841, 869.	871		

## BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
81	A bill to authorize trustees and other church officers to receive conveyances of lands and donations for the use of schools, literary societies, meeting houses, churches, Masonic, Odd Fellows, and Sons of Temperance Lodges, and other voluntary and benevolent associations, and some general provisions respecting burying grounds.....	461	484				
82	A bill to enable the Madison and Indianapolis Railroad Company to avoid the inclined plane at Madison; to provide for the sale of the interest of the State in said railroad, and to repeal, so far as affects the M. & I. Railroad Company, the 55th and 58th sections of the act entitled "an act for the continuance and construction of all or any part of the public works of this State by private companies, and for abolishing the						



83	Board of Internal Improvements and the offices of Fund Commissioners and Chief Engineer," approved Jan. 28, 1842.....	465	{ 544, 697, 754, 762, 764, 767, 812, 814	814
84	A bill to divide the State into Congressional districts.....	467	485, 498, 528, 601	602 784
85	A bill for the purpose of licensing the sale of patent medicines.....	470		
86	A bill to provide for the incorporation of subordinate lodges of the independent Order of Odd Fellows.....	476	545	
87	A bill establishing some general provisions respecting corporations.....	476	545	
88	A bill authorizing the Auditor, Secretary and Treasurer of State to sell lots Nos. 4, 5, and 6 in square No. 47, in the city of Indianapolis, known as the Governor's House, and all the household and personal property belonging to the same, owned by the State.....	478	588, 613	
89	A bill for the taking up of animals going estray, and water craft and other articles adrift.....	497	590, 624	624
90	A bill in relation to the officers and soldiers of Indiana who served in the war with Mexico.....	511	590, 640, 681, 695	695 932
	A bill to repeal an act amendatory to an act incorporating the city of Evansville.....	512	591, 625	626

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other Proceedings.</i>	<i>Approved.</i>
91	A bill for the repeal of an act entitled an act, approved Feb. 13, 1851, organizing a school district in Marshall county.....						
92	A bill relative to arbitrations and umpirages	514	591, 673, 699	700			
93	A bill to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant.....	517	597, 631	631	681		748
94	A bill to constitute a council to be composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons; and to regulate the granting of such pardons and the mission of fines and forfeitures.....	525	{ 597, 648, 659, 741, 770, 773, 799, 832				
95	A bill to provide for the enlargement of the Indiana Hospital for the Insane.....	534	602, 632	632			
		536	602, 641, 660				

96	A bill regulating the fee for recording and copying deeds and mortgages.....	542	603			
97	A bill regulating seals or scrolls.....	542	603			
98	A bill authorizing the circuit courts of this State to try and determine indictments for felony, on an enrolled copy thereof duly certified.....	542	543, 552	553	630	644
99	A bill relating to prosecuting attorneys in the 4th and 8th judicial circuits.....	554	610			689
100	A bill to repeal a part of section 2 of an act relative to the office of auditor of War- rick county, approved January 19, 1850.	565	610, 673, 688			
101	A bill to divide the State into congressional districts.....	568	610			
102	A bill regulating the licensing of pilots at the falls of the Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots, and the revocation of their licenses,	576	612, 810, 825, 849, 906			
103	A bill to provide for the speedy redemption of the outstanding treasury notes of the State of Indiana.....	594	626, 646	647		
104	A bill to regulate the mileage of sheriffs in conveying convicts to the State Prison, and of county treasurers in making deposits and in their settlements with the Treasurer and Auditor of State.....	594	626, 680, 696			

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

XXXII.

INDEX TO VOL. I.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
105	A bill to provide for the sale of the stock owned by the State of Indiana in the M. & I. Railroad Company .....	595	627				
106	A bill to provide for a geological survey of the State of Indiana.....	595	627				
107	A bill in relation to the printing of public documents.....	596	628				
108	A bill regarding the administration of estates of the value of five hundred dollars or less .....	596	628, 841, 980, 982				
109	A bill for the appointment of commissioners to re-locate the seat of justice of Fountain county, providing for the compensation of such commissioners, and for levying an additional tax to defray the expenses incident thereto.....	596	{ 630, 678, 700, 794, 109				
110	A bill to change the time of holding the probate court in Dearborn county.....	597	631, 647	647			

111	A bill defining the jurisdiction and regulating the practice of probate courts .....	611	634, 847, 858		
112	A bill authorizing the formation of companies for the detection and apprehension of horse thieves and other felons, and defining their powers.....	620	645, 681	682	
113	A bill amending the 14th sec. of chap. 7, of art. I so as to empower the boards of county commissioners to purchase in fee lands for court house squares, or to enlarge the same .....	623	645		
114	A bill in relation to enclosures and trespassing animals .....	638	654		
115	A bill to exempt property from sale in certain cases .....	649	655, 691	692	956
116	A bill to establish at the seat of government law and medical branches of the State University.....	651	689	582	
117	A bill in relation to partition fences, and for the recovery of fences constructed on the lands of another through mistake.....	651	691		

## BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other Proceedings.</i>	<i>Approved.</i>
118	A bill authorizing alien friends to take by descent or devise, real estate, and dispose of the same; and releasing to alien friends lands heretofore escheated to the State; and requiring such alien friends within five years either to sell and convey said lands to citizens of this State, or remove themselves to this State and declare their intention to become citizens of the United States, and providing for the appointment of guardians for such of such alien friends as may be minors, and authorizing such guardians to sell and convey such real estate.....	664	{ 696, 793, 810, 825, 933, 953	954			
119	A bill providing for the sale of the saline lands in Orange county.....	677	696, 840				
120	A bill for the protection of wool growers.....	680	696, 705	705			
121	A bill to establish a normal department of						

122	Indiana University, for the Education, free of charge, of male and female teachers of common schools.....	685	703		
123	A bill to provide for the organization of county boards, and defining their powers and duties.....	688	704, 730, 743	743	970
124	A bill to establish circuit courts, and defining the powers and duties of the judges and officers of such courts.....	688	704, 810, 826, 850, 852		982
125	A bill to provide for the incorporation of towns, and defining the powers and duties of such corporations, also the duties of county auditors, treasurers, and clerks of the circuit court in relation to the same....	724	759		
126	A bill to regulate and limit the expenses of the State Benevolent Institutions.....	729	759		
127	A bill regulating the time of holding courts in the county of Tippecanoe.....	729	761		
128	A bill to authorize suits against the State....	729	761, 948, 961		
129	A bill to establish courts of common pleas, defining the jurisdiction of the judges and other officers thereof, and providing for their compensation.....	730	761, 847, 850		
130	A bill for the recovery of property removed by high water.....	750	786, 813	813	950
	An act to amend an act entitled an act to incorporate the Lafavette Bridge Company..	751	786, 862		

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other Proceedings.</i>	<i>Approved.</i>
131	A bill granting to all incorporated companies of this State which possess by virtue of their corporate powers, the right to build steam boats and other vessels, the further right to construct and use marine railways, and all other fixtures, apparatus and machinery that may be necessary or useful in the building, repairing or launching of steam boats or other vessels .....	752	786				
132	A bill to postpone the day of the beginning of the Dearborn circuit court, for the February term, 1852.....	752	753	753	783		810
133	A bill providing for the establishment of circuit probate courts.....	754	786, 848, 858				
134	A bill to divide the State into supreme court districts and define the limits thereof.....	756	787, 788				
135	A bill authorizing county auditors and their						



deputies to take acknowledgments of deeds and administer oaths in certain cases .....	785	810, 833	834	950
136 A bill declaratory of the law regulating marriages, and enforcing the same by proper penalties .....	797	818, 849, 954	955	
137 A bill to provide for a general and uniform system of common schools, providing for the election and defining the duties of township trustees, circuit superintendents, and State Superintendent of Public Instruction, providing for the custody and sale of school lands, the loaning of school funds and the distribution thereof, the powers of the qualified voters of the township, of the powers and duties of incorporated cities and towns in relation to schools, of the duties of teachers and the evidence of their qualifications, for township school libraries and the custody and management thereof, for the taxes in aid of school funds, and for the establishment of township libraries, defining the duties of county auditors and treasurers, and of the Auditor and Treasurer of State, in relation to schools and school funds, and township libraries, compensation of officers and liability thereof, for neglect of duty, duties of county commissioners and school commissioners, for a State				

## BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
138	Board of Education and the duties thereof, of the division of the State into school cir- cuits, of the qualification of voters in school corporations .....	797	797, 798				
139	A bill to provide for the incorporation of bridge companies .....	799	823, 954, 963	964			
140	A bill to authorize and regulate the business of general banking .....	808	823				
141	A bill to equalize the salaries of judicial and certain county officers .....	815	824, 941				
142	A bill for the election of justices of the peace, and to supply vacancies therein .....	838	848				
	A bill to authorize the relocation of the seat of justice of the county of Clay, and to suspend the erection of a court house for said county, and to authorize the receiving of subscriptions and donations for the erec- tion of the public buildings in said county,	841	849, 875	921			

143	A bill to provide for the punishment of offences against the right of suffrage.....	845	860	
144	A bill relative to the proving and recording of deeds of conveyance of real estate.....	845	861, 948, 964	965
145	A bill to provide for the election of judges of the supreme court.....	848	872, 895	
146	A bill to attach part of the county of Gibson to the county of Pike.....	848	873, 980	
147	A bill to regulate the traffic in intoxicating liquors, and for the prevention and remedy of the evils arising therefrom.....	863	880	
148	A bill regulating the office of county auditor,	868	881	
149	A bill to prefix to volumes of legislative enactments hereafter published, the names and residence of the Governor, Lieutenant Governor, Senators, and members of the Assembly, and presiding officers of both Houses, in office at the time of the passage of such laws.....	868	881	
150	A bill to provide for the public printing and binding; distribution of the laws and journals, and the publication thereof in the newspapers.....	868	881, 988	
151	A bill to provide for a survey of the swamp lands .....	868	881, 930, 969	

## BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
152	A bill authorizing the State Librarian to contract for re-covering the State House with a patent roof of the Boston sheet paper, also for the re-painting of the out-side wood work, and the necessary plastering of the same.....	876	882, 919				
153	A bill to establish courts of common pleas, and defining the jurisdiction and duties of the judges thereof.....	897	915				
154	A bill to authorize cities of five thousand inhabitants and more, to borrow money, issue their bonds, purchase and build wharves, erect public buildings, for the use of their cities, purchase grounds, furnish lights and water for their cities, either by companies or independent, take or purchase stock in the same, and take stock in turnpike, plank or railroads, leading to their respective						

155	cities, on petition of two-thirds of the resident inhabitants thereof.....	897	915	
	A bill to provide for the regulation of the running at large of all kinds of animals within the different townships, in the different counties of the State, and to provide for the taking up, impounding and selling of all such animals as shall not be allowed by law to run at large.....	906	938	
156	A bill to provide for the punishment of offences by imprisonment in the county jail, or by fine.....	925	938	
157	A bill for the relief of Samuel H. Patterson. and to reduce his rent as lessee of the Penitentiary .....	927	952, 965	965
158	A bill to legalize the election of directors of bridge companies, and the acts of such directors, and fixing a time for holding the election, and prescribing the term of office of such directors.....	932	952, 965	966
159	A bill to modify an act to incorporate the city of Indianapolis as to make all officers elective by the people .....	932	952	
160	A bill for taxing dogs and paying for sheep killed by dogs.....	933	952, 966	
161	A bill to regulate the interest on money in the State of Indiana.....	933	952	

## BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other Proceedings</i>	<i>Approved.</i>
162	A bill in relation to agents of foreign insurance companies, duties of clerks of the circuit courts, county auditors, and Secretary of State, also fixing a penalty for a violation of the provisions of this act by such agents in this State .....	950	958				
163	A bill to provide for the re-location of county seats.....	950	958				
164	A bill to repeal an act entitled "an act to amend an act authorizing the construction of plank roads, approved January 15th, 1849," approved January 14th, 1850.....	952	959, 992	993			
165	A bill for the repeal of an act limiting the fees of the auditor of the county of Marshall..	952	959, 993	993			
166	A bill to correct a misprint in an act to amend an act entitled "an act to incorporate the Indianapolis and Brownsburg Plank Road						

Company, approved January 18th, 1850,"		
approved February 13th, 1851.....	957	981
167 A bill to provide for the inspection of tobacco	957	981
168 A bill relative to executions upon shares or		
stocks of individuals in corporations, on		
money deposits, general or special, in bank-		
ing and moneyed corporations, and to the		
transfer of the same, and to sequester on		
execution the tolls and profits of turnpike,		
plank road, bridge, or other corporations		
authorized to receive tolls.....	969	982
169 A bill regulating descents and the apportion-		
ment of estates.....	971	987
170 A bill for the regulation of weights and		
measures .....	995	

## JOINT RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
1	A joint resolution relative to a revision of the laws.....	67	67	68			
2	A joint resolution relative to American influence abroad, the Hungarian Revolution, and Louis Kossuth.....	92	102, 117, 149	150			
3	A joint resolution relating to the illegal reduction of the aggregate valuation of real estate in Lagrange county.....	136 149	136, 143 157				
4	A joint resolution.....						
5	A joint resolution in relation to mistakes in the purchase of lands in the Vincennes district.....	183 197	211, 231, 240, 271 218, 231	271 231	533		571
6	A joint resolution.....	227	247, 280	308			
7	A joint resolution.....						
8	A joint resolution relative to Smith O'Brien and others.....	280	302	302	346		376



9	A joint resolution in relation to newspaper postage .....	281	303, 312	312	375	404
10	A joint resolution relating to the harbor at Michigan City.....	301	310, 319	320	956	
11	A joint resolution in relation to a donation of public lands for a geological and topographical survey.....	317	329, 346 345, 357	346 357	403	453
12	A joint resolution in relation to patents.....	328				
13	A joint resolution instructing our Senators, and requesting our Representatives in Congress to procure the site for a National Armory on the waters of the Ohio River, at Evansville, within the State of Indiana.....	392	418, 453	454	631	689
14	A joint resolution in relation to constructing a canal around the falls of the Ohio River;	470	484, 588	589	644	689
15	A joint resolution in relation to the General Post Office Department.....	481	588, 623			
16	A joint resolution asking a more liberal construction of the act of Congress of May 9th, 1848.....	543	603, 633, 634, 731, 758	633 758	956	
17	A joint resolution in relation to the improvement of the navigation of the Patoka, and the East Fork of White River.....	551	610, 648, 784, 812			
18	A joint resolution.....	649	658			
19	A joint resolution to authorize the renting of the House on the Governor's Circle.....	679	696			

## JOINT RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
20	A joint resolution in relation to the election of United States Senator by the people of the States.....	751	811, 834	834			
21	A joint resolution on the subject of the swamp lands granted by the United States to the State of Indiana, by an act of Congress approved September 28, 1850.....	751	811				
22	A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence and exertions to obtain a grant of public lands to aid in the construction of certain railroads.....	751	811, 825	825			
23	A joint resolution asking the passage of a law by Congress, authorizing the State of Indiana to sell the saline lands that remain unsold at such price as may be deemed right by the General assembly of the State,	809	824, 859	860	956		

24	A joint resolution on the subject of a ship canal around the rapids of the St. Mary's River, connecting Lake Superior with the other northern lakes.....	809	824, 904, 939	939
25	A joint resolution in reference to amending the Constitution of the United States.....	844		

## BILLS AND JOINT RESOLUTIONS OF THE SENATE.

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from Senate.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>
1	A bill to allow Joseph A. Messick compensation for repairing and fitting up Senate chamber .....	36	48		
20	An act giving to assessors longer time to file their official bonds, and take the oath.....	179	209, 210, 232 170, 210	232 210	
12	A joint resolution in behalf of the Cuban prisoners	169			
14	A bill for the government of the Indiana Hospital for the Insane, and the care of the insane in Indiana.....	203	{ 230, 281, 301, 379, 402	403	
22	A joint resolution relative to granting public lands to settlers.....	203	230, 263	263	
27	An act for the relief of persons who are likely to suffer by the destruction of the records and other writings of Clay county, and to provide for furnishing said county with tract books, lists of canal lands, general and local laws, and decisions of the supreme court, and to provide for the collection and disbursement of revenue, and				

30	to authorize the board of county commissioners of said county to meet .....	237	247, 289, 310	311	364
	An act prescribing the time of holding the circuit courts in the second judicial circuit, fixing the length of the respective terms in the same, and conforming the business of said courts to the changes herein made.....	244	268, 276	276	
34	A joint resolution in favor of the Hungarian patriots.....	264	264, 277	278	
33	A bill to prohibit the making distress for rent by warrant .....	267	{ 273, 460, 544, 608, 897, 955, 967		
41	A joint resolution in relation to Smith O'Brien, Thomas F. Meagher, John Mitchell, and their immediate associates.....	328	345		
36	An act for the relief of purchasers of school lands where no record has been made of the appraisal, as required by any previous law, and the confirmation of titles to lands previously sold, and prescribing the duties of county auditors in relation thereto .....	342	556, 468	484	
39	A bill providing for the change of the titles of railroad, plank or McAdamized roads or other incorporated companies in this State.....	363	394, 424		

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from Senate.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>
23	A bill to protect railroad property of railroad companies and the passengers and persons of passengers, to prevent frauds and impositions upon railroad and canal companies, and to secure freight and damages in certain cases, defining the crimes and fixing the punishment for the violation of this act, and providing for service and process and limiting certain actions.....	376	393		
26	A joint resolution for the purpose of obtaining from the general government a grant of the usual land belonging thereto, in the Vincennes district for the benefit of common schools.....	545	606		
6	A bill to enforce the provisions of article thirteen of the Constitution of Indiana .....	588	612, 633	632	
55	A joint resolution in relation to certain articles which were honorably obtained in Mexico, and deposited in the State Library, as articles of cu-				

58	riosity and interest by the gallant and chivalric Capt. John S. Simonson.....	624	625		
63	An act providing for the districting of the State of Indiana into Congressional districts.....	626	645, 680, 693, 703, 714, 759		
67	An act authorizing the issuing of executions, and fee bills in the supreme court in cases upon which no execution or fee bill has issued for three or more years from the rendition of judg- ment, and where fees have not been collected for three or more years from the termination of the suit in which the same is taxed .....	628	646, 697	598	
48	A joint resolution directing the publication of the Constitution of this State.....	729	759, 815	815	
47	A joint resolution asking an appropriation of Con- gress to erect public buildings in the city of In- dianapolis.....	863	895, 955, 968	968	
69	A bill districting the State for the election of four judges of the supreme court .....	874	893, 920	922	
80	A joint resolution on the subject of emigration to Oregon and the Pacific coast.....	873	895, 920	921	
70	A bill to approximate an equalization of the la- bors of the judges of the first, fifth and thir- teenth judicial circuits.....	874	875, 896	896	898, 914
	A bill providing for the colonization of negroes and mulattoes and their descendants, constitut- ing a State Board of Colonization, declaring the duties of said Board and State Treasurer, and county treasurers in relation thereto.....	896	918		

## BILLS AND JOINT RESOLUTIONS OF THE SENATE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Reported from Senate.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>
77	A joint resolution on the subject of an agricultural bureau at Washington City .....	932	953, 968	969	
82	An act to legalize the appraisement of real estate in the county of Fountain for the year 1851....	951	960		
81	An act to repeal the first section of an act entitled "an act defining the duties of the treasurer of Morgan county," approved February 11th, 1851	951	959		
88	An act limiting the number of grand jurors, providing a mode for their selection, defining their jurisdiction, and repealing all laws inconsistent therewith .....	970	987		
85	A bill regulating the time of holding courts in the 12th judicial circuit and to regulate the time of empanneling a traverse jury in the county of Allen .....				
74	A bill authorizing plank road and turnpike companies to create a sinking fund for the repair of said roads.....	970	987		



## BLIND, INSTITUTE FOR.

Annual report of Trustees of .....	58
Communication from Superintendent of .....	221
“ “ Board of Trustees of .....	663
“ “ Chairman of Board of Trustees of .....	744

## BOONE, ANDREW J.

Elected Assistant Clerk .....	7
-------------------------------	---

## BRADY, HENRY.

Appeared and was qualified .....	13
Petitions by .....	384, 593, 663, 877, 925
Reports by .....	416, 783
Resolutions by 42, 44, 59, 207, 224, 241, 271, 344, 455, 605, 803, 880	
Bills by .....	317, 328, 596, 679
Notices by .....	308, 420, 654
Motions by, 45, 51, 58, 59, 66, 72, 77, 90, 96, 101, 117, 130, 133, 141	
154, 190, 217, 226, 235, 242, 256, 279, 283, 300, 306	
329, 334, 347, 410, 493, 531, 571, 642, 662, 663, 683	
690, 729, 762, 808, 812, 816, 843, 856, 872, 941, 954	
955, 979, 980, 990	
Leave of absence granted to .....	376

## BRYANT, JAMES R. M.

Appeared and was qualified .....	5
Petitions, &c., by .....	321, 456, 502, 946
Reports by .....	240, 253, 430
Resolutions by .....	564
Bills by .....	253
Motions by .....	44, 817

## BULLA, JOSEPH N.

Appeared and was qualified .....	5
Petitions, &c., by .....	222
Reports by .....	638, 838
Resolutions by .....	225, 382, 469
Bills by .....	838
Motions by .....	857, 967
Leave of absence granted to .....	701

## BUSKIRK, SAMUEL H.

Appeared and was qualified . . . . .	4
Petitions, &c., by . . . . .	30, 104, 222, 223, 385, 497, 516, 575
Reports by . . . . .	14, 50, 60, 94, 95, 141, 268, 270, 357, 495, 594, 778 840, 900, 901
Resolutions by . . . . .	10, 46, 50, 53, 235, 369, 370, 410, 470, 606, 864, 901
Bills by . . . . .	95, 192, 228, 268, 271, 420, 594, 596, 729
Notice by . . . . .	404
Motions by . . . . .	29, 38, 41, 56, 74, 84, 129, 141, 155, 156, 178, 191, 205 207, 225, 272, 309, 313, 318, 328, 347, 358, 359, 363 373, 383, 404, 413, 449, 452, 456, 487, 493, 498, 510 515, 615, 623, 627, 645, 660, 680, 697, 707, 710, 717 741, 746, 780, 781, 820, 836, 837, 861, 876, 881, 893 898, 920, 923, 938, 943, 961, 967, 982
Leave of absence granted to . . . . .	281
Leave given to vote . . . . .	275

## CARPENTER, WILLARD.

Appeared and was qualified . . . . .	5
Petitions, &c., by . . . . .	43, 365, 534, 684, 861, 878
Reports by . . . . .	454, 455
Resolutions by . . . . .	78, 99, 137, 226, 469, 551, 564, 951
Bills by . . . . .	74, 392, 896, 957
Notices by . . . . .	56, 869
Motions by . . . . .	89, 96, 233, 371, 392, 730, 770, 787, 861, 929, 981, 985
Leave of absence granted to . . . . .	279, 315
Leave given to vote . . . . .	530

## CALLS OF HOUSE.

Pages . . . . .	282, 283, 286, 288, 303, 547, 642, 707, 718, 765, 795, 851, 870, 871, 919, 923
-----------------	---

## CARR, GEORGE W.

Elected Law Commissioner . . . . .	362
------------------------------------	-----

## CARTER, HORACE E.

Elected Reporter of the decisions of the Supreme Court . . . . .	788
--	-----

## CHOWNING, THEOPHILUS.

Appeared and was qualified.....	5
Petitions, &c., by .....	518, 576
Leave of absence granted to .....	683

## CLERKS.

George L. Sites elected Principal .....	7
Andrew J. Boone elected Assistant.....	7

## CLERK OF SUPREME COURT.

Communication from, relative to the number of cases on the docket, &c.,.....	213
--	-----

## COCKRUM, JAMES W.

Appeared and was qualified.....	11
Petitions, &c., by .....	552, 837
Report by.....	832
Resolutions by.....	79, 136, 205, 259, 316, 369, 479, 808
Motions by .....	38, 309, 358, 597, 628, 659, 691, 705, 848
Leave given to vote.....	206, 238

## COLONIZATION SOCIETY.

Communication by the Agent of.....	995
------------------------------------	-----

## COMMISSIONERS, LAW.

Walter March, Jona. A. Liston and Geo. W. Carr, elected....	362
---	-----

## COMMITTEES OF FREE CONFERENCE.

Appointed to take into consideration the disagreement of the two Houses on House bill No. 6 .....	270
On House bill No. 56.....	648
On House bill No. 17.....	715
On Senate bill No. 80.....	915

## COMMITTEES, SELECT.

To wait on Governor.....	9
To wait on Rev. Mr. Wilson.....	9
On the resolution in relation to new standing committees of the House.....	10
On the resolution relative to taking newspapers.....	11
On the petition of David Hughart.....	37
On the petition of citizens of Knox county.....	39
On districting the State for Congressional purposes.....	44
On public printing.....	45
On petition of sundry citizens of Union county.....	49
On fees and salaries of State and county officers.....	53
On Temperance.....	00
On so much of Governor's message as relates to a Geographical survey of the State.....	64
On so much of Governor's message as relates to the compromise measures of the last Congress.....	64
On communication of John Pettit.....	66
On Homestead exemption.....	69
On a joint committee to inquire into the constitutionality of amending city and town charters.....	75
On "civil townships".....	80
On districting the State into Supreme Judicial districts.....	86
On a petition of citizens of Clinton county.....	103
On examining into and reporting upon the accounts of the Treasurer and Secretary of State.....	139
On determining the best plan to secure a revision of the laws..	150
On House bill No. 14.....	191
On House joint resolution No. 5.....	231
On House bill No. 23.....	245
On House bill No. 41.....	247
On the petition of the Trustees of township No. 33, of Marshall county.....	305
On the resolution relative to a Free Banking law.....	340
On the petition of citizens of Perry and Spencer counties.....	344
On Senate bill No. 36.....	356
On House bill No. 67.....	393
On the petition of citizens of Pleasant Grove, in Fulton county	407
On a communication from the Secretary of Indianapolis City Council.....	414
On a petition from citizens of Miller township, in Dearborn county.....	415
On the petition of owners of land on Tanner's Creek, &c.....	415
On the resolution relative to a Board of Equalization, &c.....	421
On House bill No. 50.....	422
On the petition of citizens of Perry and Spencer counties.....	457

On House bill No. 54.....	505
On the resolution relative to publication and distribution of the laws .....	527
On House bill No. 89.....	590
On memorial of merchants and boat owners of Lafayette.....	604
On the petition of citizens of Clay county.....	616
On House bill No. 113.....	645
On House joint resolution No. 17.....	649
On the petition of sundry citizens of Indianapolis, asking for an amendment to the City charter.....	650
On House joint resolution No. 18.....	658
On the petition of David and Nancy Burnett, asking to adopt a child.....	663
On House bill No. 104.....	697
On House bill No. 82.....	812
On House bill No. 130.....	862
On House bill No. 146.....	873
On the petition of citizens of Dubois county, praying the repeal of an act declaring Flat Creek navigable.....	878
On Senate bill No. 33.....	897
On the petition of sundry citizens of Crawford, Orange, Dubois, Pike and Gibson counties, relative to Patoka river.....	979

### COMMITTEES, STANDING.

Announcement of.....	31
On Swamp Lands, added to .....	44
Two additional members added to .....	56
Two " " " " .....	74
On Revision, Phraseology and Arrangement.....	100
On Enrolled bills, joint .....	201
On Revision, (reorganized).....	243

### COMMON SCHOOLS.

Annual Report of Superintendent of.....	12
---	----

### COMMUNICATIONS, REPORTS, &c.

From superintendent of common schools.....	11
From Treasurer of State.....	12
From Principal Clerk.....	35
From State Librarian.....	36
From Auditor of State.....	41

From commissioners and Superintendent of Hospital for Insane,	48
From the Governor.....	54
From the Governor.....	55
From the Branches of the State Bank.....	58
From the Trustees of the Institute for the Blind.....	58
From the Governor.....	66
From John Pettit, Esq.....	66
From Secretary of State.....	74
From Commissioners of the Sinking Fund.....	76
From State Bank.....	77
From Doorkeeper.....	83
From Auditor of State.....	83
From Trustees of Wabash and Erie Canal.....	92
From Branch Bank at Indianapolis.....	101
From the Governor.....	118
From Treasurer of State.....	130
From the Auditor of State.....	133
From the Auditor of State.....	158
From the Clerk of the Supreme Court.....	213
From the Auditor of State.....	214
From the Treasurer of State.....	220
From the Superintendent of the Blind Institute.....	221
From the Governor.....	222
From the Auditor of State.....	228
From the Clerk of the House.....	249
From the Auditor of State.....	258
From the State Librarian.....	278
From the Governor.....	313
From Daniel Read.....	321
From the State Board of Agriculture.....	403
From the Superintendent of the Asylum for the Deaf and Dumb,	423
From the Governor.....	427
From the Auditor of State.....	435
From the Trustees of the Indiana University.....	487
From the President of the State Bank.....	505
From the Secretary of State.....	506
From the Doorkeeper.....	558
From the Auditor of State.....	573
From the Governor.....	577
From the Treasurer of State.....	614
From the Trustees of the Wabash and Erie Canal.....	615
From the Superintendent of the Asylum for the Deaf and Dumb,	648
From the President of the M. & I. Railroad Company.....	661
From the Trustees of the Blind Institute.....	663
From the President of the M. & I. Railroad Company.....	683
From the President of the State Bank.....	721
From the Auditor of State.....	725

From the President of the Board of Commissioners of the Hos- pital for the Insane.....	736
From the Trustees of Asylum for the Deaf and Dumb.....	739
From the Trustees of Blind Institute.....	744
From the President of the M. & I. Railroad Company.....	754
From the Auditor of State.....	756
From the Auditor of State.....	839
From the Auditor of State.....	883
From the State Board of Agriculture.....	908
From the Governor.....	916
From the Auditor of State.....	942
From the Resident Trustee of the Wabash and Erie Canal...	972
From the Governor.....	979
From James Mitchell, Agent of the Colonization Society.....	995

### COWGILL, CALVIN.

Appeared and was qualified.....	5
Petitions by.....	67, 249, 377, 650
Reports by.....	153
Resolutions by.....	350, 750
Bill by.....	952
Motion by.....	858
Leave of absence granted to.....	281

### CRAWFORD, JOHN.

Appeared and was qualified.....	3
Petitions by.....	548

### CRIM, MARTIN D.

Appeared and was qualified.....	4
Resolution by.....	880
Leave of absence granted to.....	235, 287, 457, 787
Leave given to vote.....	601

### CROMWELL, OLIVER.

Appeared and was qualified.....	3
Petitions by.....	616
Report by.....	841

Resolution by .....	679
Bill by .....	841
Motion by .....	248
Leave of absence granted to .....	457

DAVIS, SAMUEL, (*of Franklin.*)

Appeared and was qualified .....	4
Petitions, &c., by .....	50, 305, 348, 723, 749
Resolutions by .....	9, 10, 11, 43, 68, 79, 138, 148, 238, 623, 772
Bills by .....	197, 751
Notices by .....	142
Motions by .....	74, 116, 146, 190, 277, 280, 288, 308, 610, 701, 712, 792
Leave of absence granted to .....	281

DAVIS, JOHN W., (*of Sullivan.*)

Appeared and was qualified .....	5
Elected Speaker .....	6

DEAF AND DUMB, ASYLUM FOR.

Communication from Superintendent of .....	423
“ “ “ “ .....	648
“ “ President of Board of Trustees of .....	739

DICE, JACOB.

Appeared and was qualified .....	4
Petition by .....	414
Resolution by .....	182
Bill by .....	596
Motions by .....	631, 795, 958
Leave granted to vote .....	212

DOBSON, JAMES W.

Appeared and was qualified .....	4
Petitions by .....	152, 192, 307, 407
Reports by .....	688, 814, 846
Resolutions by .....	53, 84, 307, 326
Bills by .....	568, 688, 868
Motions by .....	48, 57, 192, 196, 205, 304, 314, 316, 372, 471, 495, 577
	610, 669, 801, 812, 857, 946, 961, 962



## DONALDSON, RICHARD F.

Appeared and was qualified .....	4
Petitions, &c., by.....	684, 837
Reports by.....	142, 250, 385, 946
Resolutions by.....	78, 168, 200, 234, 704
Bills by.....	72, 228, 385, 407
Notices by .....	56
Motions by 85, 88, 128, 188, 217, 227, 255, 265, 267, 411, 500, 531	
543, 556, 601, 635, 666, 707, 824, 837, 838, 855, 857	
864, 870, 900, 903, 914, 990	
Leave granted to vote.....	178, 614

## DONHAM, GEORGE.

Appeared and was qualified .....	3
Motions by.....	260, 979
Leave of absence granted to .....	404

## DOOR-KEEPER.

George W. Patterson elected .....	8
Resolution authorizing to employ assistants.....	29
Resolution to report the number of assistants employed.....	69
Communication in reference to number of assistants.....	83
“ “ “ to envelopes, &c.....	558

## DOUGHTY, JOHN P.

Appeared and was qualified .....	5
Petitions by .....	533
Reports by.....	325, 995
Resolutions by...45, 68, 114, 182, 204, 241, 342, 369, 382, 409, 527	
564, 577, 622, 717, 808	
Bills by.....	139, 933, 995
Notices by .....	101, 532
Motions by 59, 245, 264, 282, 329, 351, 404, 577, 608, 687, 690, 695	
721, 722, 773, 815, 819, 866, 867, 899, 954, 964, 966, 987	

## DOUTHIT, JAMES H.

Appeared and was qualified .....	4
Petitions by.....	365, 817, 946

Resolutions by.....	46, 470, 577, 654, 844, 867
Notice by .....	649
Motions by 234, 303, 319, 410, 773, 779, 843, 854, 857, 960, 991, 992	
Leave of absence granted to.....	592

## ECCLES, SAMUEL.

Appeared and was qualified.....	4
Resolution by .....	87
Bill by .....	343
Motion by.....	901
Leave of absence granted to .....	268, 495, 701
Leave given to vote .....	191

## ELECTIONS.

Of Speaker.....	5
Of Principal Clerk.....	7
Of Assistant Clerk.....	7
Of Door-Keeper .....	8
Of Sergeant-at-Arms .....	8
Of State Bank Director .....	90
Of Law Commissioners .....	362
Of Commissioners for Hospital for Insane.....	566
Of Reporter to the Supreme Court.....	788

## ENGLISH, WILLIAM H.

Appeared and was qualified .....	5
Petition by .....	151
Reports by .....	31, 62
Resolutions by .....	31, 53, 68, 87, 226, 234, 325, 342, 525, 551, 579
Bills by.....	178, 751
Motions by 11, 30, 116, 139, 151, 160, 175, 184, 185, 201, 232, 242	
255, 256, 272, 281, 338, 352, 382, 391, 404, 431, 467	
486, 493, 498, 500, 544, 554, 582, 613, 708, 709, 713	
747, 754, 759, 760, 762, 768, 843, 857, 861, 865, 902	
935, 937	
Leave given to vote .....	541

## FOSTER, JOHN.

Appeared and was qualified.....	4
Petitions by.....	104, 604

Report by.....	152
Resolutions by.....	14, 43, 205, 390
Motions by .....	177, 188, 265, 373, 556, 584, 854, 870, 915

## GEDDES, ROBERT.

Appeared and was qualified.....	4
Petition by.....	305
Report by.....	415
Resolutions by .....	354, 370
Bill by.....	392
Motion by .....	412

## GIBSON, T. WARE.

Appeared and was qualified.....	3
Petitions by.....	298, 516, 622
Reports by... ..	127, 285, 288, 460, 474, 510, 534, 619, 668, 735, 796 926, 948, 949
Resolutions by.....	40, 44, 51, 87, 96, 153, 158, 470, 497, 565, 630
Bills by .....	73, 411, 534, 664, 797, 927
Notice by .....	56
Motions by.....	30, 31, 38, 49, 55, 59, 65, 78, 88, 98, 99, 113, 117, 141 143, 154, 159, 194, 200, 203, 232, 234, 255, 256, 273 279, 281, 282, 283, 288, 314, 327, 329, 344, 345, 351 354, 355, 356, 391, 393, 418, 450, 452, 471, 474, 540 541, 545, 550, 571, 587, 591, 607, 608, 610, 712, 615 624, 625, 634, 666, 671, 672, 693, 696, 719, 731, 762 778, 779, 787, 790, 792, 797, 798, 810, 818, 820, 825 854, 866, 869, 906, 919, 930, 933, 934, 935, 936, 937 940, 946, 951, 955, 957, 959, 963, 970, 981, 982

## GLAZE BROOK, BRADFORD.

Appeared and was qualified.....	5
Resolutions by.....	53, 114, 328, 362
Motions by.....	189, 301
Leave of absence granted to.....	411

## GOOKINS, SAMUEL B.

Appeared and was qualified.....	5
Reports by.....	50, 144, 161, 847, 970

Resolutions by.....	11, 39, 45, 75, 114, 147, 196, 260, 941
Bills by.....	40, 50, 146, 151, 971
Motions by.....	55, 56, 67, 72, 76, 88, 98, 99, 103, 113, 130, 179, 232
	233, 238, 245, 273, 768, 799, 810, 811, 823, 826, 832
	843, 847, 934, 985

## GOUDY, A. M. C.

Appeared and was qualified.....	5
Petitions by.....	222, 305, 315, 593, 817
Resolutions by.....	97, 207, 281, 842
Motions by.....	457, 570, 772, 845, 870
Leave of absence granted to.....	281
Leave given to vote.....	601

## GOVERNOR.

Annual message of.....	14
Communication from.....	55
Communication from.....	55
Communication from.....	66
Communication from, laying certain letters relative to swamp lands before the House.....	118
Communication from, announcing Francis King as Private Secretary.....	314
Communication from, relative to Governor's House, cost of repairs, &c.....	387
Communication from, laying certain communications before the House.....	427
Communication from, laying correspondence of Louis Kossuth before House.....	577
Communication from, laying correspondence of General Land Office before House.....	916
Communication from, laying joint resolutions of the Legislatures of the States of New Hampshire, Florida, and Rhode Island, on the subject of an Agricultural Bureau at Washington, before House.....	979

## GRAHAM, JAMES C.

Appeared and was qualified.....	4
Petitions, &c., by.....	39, 732
Reports by.....	298, 784

Resolutions by .....	71, 96, 138, 340, 388, 448, 598
Bills by .....	298, 470, 848
Notices by .....	731
Motions by .....	272, 274, 282, 283, 304, 336, 495, 603, 634, 640, 648, 649, 655, 682, 798.
Leave given to vote .....	453, 572

## GRIMES, SAMUEL.

Elected Commissioner of Hospital for the Insane .....	566
---	-----

## GUNN, THOMAS S.

Appeared and was qualified .....	4
Petitions, &c., by .....	347, 663, 784
Reports by .....	863
Resolutions by .....	54, 114, 155, 173, 197, 622
Bill by .....	863
Motions by .....	103, 118, 209, 259, 388, 701, 754
Leave of absence granted to .....	281
Leave given to vote .....	611

## HANNA, ALBERT G.

Appeared and was qualified .....	3
Petitions, &c., by .....	222, 322, 330, 364, 501
Resolutions by .....	9, 39, 46, 54, 71, 87, 226, 317, 388
Motions by .....	6, 29, 92, 194, 248, 263, 282, 283, 383, 405, 501, 565, 592
Leave of absence granted to .....	900

## HARRISON, WILLIAM M.

Appeared and was qualified .....	5
Petitions, &c., by .....	36, 161, 167, 378, 385
Reports by .....	431, 466
Resolution by .....	73
Bill by .....	167
Motions by .....	189, 208, 256, 273, 282, 470
Leave of absence granted to .....	287, 919
Leave given to vote .....	582

## HART, HIRAM A.

Appeared and was qualified .....	5
Resolutions by .....	80, 172
Motions by .....	592, 610, 901, 989
Leave of absence granted to .....	281
Leave given to vote .....	614

## HAY, ANDREW J., (OF CLARK.)

Appeared and was qualified .....	3
Petitions, &c., by .....	330, 384, 604, 617, 702, 723, 796
Reports by .....	280, 379
Resolutions by .....	54, 69, 196, 369, 480, 527, 566, 606, 750
Motions by .....	180, 217, 267, 284, 320, 347, 501, 706, 707, 723, 761, 796, 988, 994.
Leave of absence granted to .....	98, 817
Leave given to vote .....	585

HAYS, SOLOMON (*of White.*)

Appeared and was qualified .....	5
Petitions, &c., by .....	322, 348, 365, 723, 978
Reports by .....	639
Resolutions by .....	69, 79, 147
Motions by .....	710

## HELMER, MELCHERT.

Appeared and was qualified .....	4
Petitions by .....	385, 732
Reports by .....	181, 367
Resolutions by .....	81, 205, 480, 785
Motions by .....	787, 790, 857

## HENRY, FRANCIS.

Appeared and was qualified .....	4
Reports by .....	146, 639, 848
Resolution by .....	69, 100, 469
Motions by .....	544
Leave of absence granted to .....	701

## HICKS, EDWARD P.

Appeared and was qualified.....	4
Petitions, &c, by, 126, 180, 385, 407, 474, 495, 548, 558, 575, 702,	715, 817
Reports by.....	366, 563
Resolutions by..... 45, 80, 115, 205, 354, 478, 533, 951	
Motions by..... 99, 126, 268, 281, 304, 495, 545, 701, 857, 906, 929	
Leave of absence granted to.....	602

HOLLADAY, ELIAS G. (*of Parke.*)

Appeared and was qualified.....	4
Petitions, &c., by.....	926, 979
Report by.....	847
Resolutions by..... 195, 204, 527, 570, 864	
Notice by.....	553
Motions by..... 42, 583, 598, 602, 712, 819, 832	
Leave of absence granted to.....	264, 281

HOLLIDAY, JOSEPH W. (*of Blackford.*)

Appeared and was qualified.....	3
Petitions, &c., by..... 161, 192, 474, 732	
Reports by.....	422
Resolution by.....	114
Bill by.....	343
Notice by.....	327
Motions by..... 51, 139, 277, 282	

## HOLLOWAY, WASHINGTON P.

Elected Sergeant-at-Arms.....	8
-------------------------------	---

## HOLMAN, WILLIAM S.

Appeared and was qualified.....	4
Petitions, &c., by..... 415, 702	
Reports by, 57, 67, 95, 128, 143, 192, 202, 240, 252, 297, 407, 424,	461, 475, 503, 524, 534, 552, 560, 576, 619, 637, 674,
	675, 702, 733, 749, 775, 794, 841, 862
Resolutions by..... 47, 56, 73, 99, 173, 198, 281, 315, 864	
Bills by.....	67, 95, 246, 542

Notice by .....	141
Motions by.....	98, 108, 116, 117, 142, 195, 200, 238, 247, 252, 262,
	276, 279, 281, 283, 287, 304, 313, 409, 419, 460, 485,
	541, 542, 545, 547, 577, 579, 584, 590, 592, 603, 607,
	608, 610, 629, 646, 660, 667, 668, 671, 673, 690, 693,
	697, 718, 730, 749, 791, 793, 798, 824, 841, 847, 849,
	850, 857, 858, 859, 870, 875, 896, 898, 902, 907, 915,
	919, 941, 956, 961
Leave given to vote .....	481

## HOSTETTER, HENRY.

Appeared and was qualified.....	5
Petitions, &c., by .....	377, 701

## HUDSON, ROBERT N.

Appeared and was qualified.....	5
Petitions by.....	654, 926
Resolutions by.....	68, 71, 195, 411
Bills by.....	41, 543
Motions by...	157, 158, 208, 247, 265, 299, 318, 337, 376, 514, 611
	612, 626, 648, 693, 698, 703, 706, 707, 731, 759, 771
	820, 835, 852, 856, 861, 900, 919, 941, 952

## HUEY, ROBERT.

Appeared and was qualified.....	4
Petitions, &c. by.....	348, 604, 617, 636
Report by .....	408
Motion by .....	701
Leave of absence granted to.....	154, 281

## HUFFSTETTER, DAVID S.

Appeared and was qualified .....	4
Reports by 95, 223, 298, 331, 366, 477, 478, 548, 577, 876, 879, 927	
Resolutions by.....	55, 100, 136, 359
Bills by.....	223, 332, 478, 809, 876
Motion by .....	282
Leave of absence granted to.....	683
Leave given to vote .....	211



## HUMPHREYS, ANDREW.

Appeared and was qualified.....	4
Report by.....	240
Resolutions by.....	196, 237
Bills by.....	183, 649
Notice by.....	173
Motions by .30, 37, 51, 116, 170, 194, 235, 287, 288, 656, 658, 711	787, 952, 966, 991, 992
Leave of absence granted to.....	281, 405
Leave given to vote.....	246

## HUNT, FRANKLIN W.

Petitions by ...	136, 330
Reports by .....	143, 254, 367, 512
Resolution by .....	867
Bills by.....	136, 301
Motions by .....	301, 373, 375, 787, 817
Leave given to vote.....	629

## INDIANA UNIVERSITY.

Annual Report of Trustees of.....	487
-----------------------------------	-----

## INSANE, HOSPITAL FOR.

Annual Report of Superintendent of .....	49
Election of two Commissioners for.....	566
Report of the President of the Board of Commissioners of....	736

## KENT, PHINEAS M.

Appeared and was qualified.....	4
Petitions by .....	348, 457
Report by .....	848
Resolutions by.....	78, 226, 448, 759
Bills by .....	73, 848
Motions by ...10, 55, 116, 154, 159, 170, 171, 207, 242, 245, 262	274, 281, 353, 383, 612, 634, 670, 799, 849, 876, 894
	915, 922
Leave of absence granted to.....	281

## KING, FRANCIS.

Appointed Private Secretary to the Governor ..... 314

## KING, JOHN LYLE.

Appeared and was qualified ..... 4  
 Petitions by ..... 406, 636, 695  
 Reports by ..... 104  
 Resolutions by ..... 148, 340, 440, 818  
 Bills by ..... 90, 92, 280  
 Notices by ..... 47, 73, 925  
 Motions by ..... 39, 102, 116, 150, 169, 170, 186, 190, 191, 208, 262  
                   268, 281, 302, 324, 375, 382, 404, 410, 451, 528, 556, 582  
                   601, 635, 649, 677, 707, 845, 851, 853, 856, 907, 981  
 Leave given to vote ..... 243

## LAVERTY, JOHN.

Appeared and was qualified ..... 6  
 Petitions, &c., by ..... 516, 604  
 Reports by ..... 305, 432, 470, 556, 569, 581, 620, 629, 641, 650, 661,  
                   672, 699, 763, 785, 924, 940, 971, 993.  
 Resolutions by ..... 137, 564  
 Motions by ..... 281, 857  
 Leave of absence granted to ..... 701

## LAWRENCE, EDMUND.

Appeared and was qualified ..... 5  
 Petitions, &c., by ..... 900, 979  
 Report by ..... 535  
 Resolutions by ..... 381  
 Bill by ..... 149  
 Motions by ..... 760, 849

## LEVISTON JAMES.

Appeared and was qualified ..... 5  
 Petitions, &c., by ..... 49, 684  
 Reports by ..... 96, 166, 332, 379, 462, 465, 677, 678, 799, 950

Resolutions by .....	241, 350, 469, 564
Bills by.....	379, 462, 799, 950
Notice by.....	333
Motion by .....	248

## LEWIS, ELI.

Appeared and was qualified.....	5
Petition by.....	126
Reports by.....	75, 253, 429, 536, 549, 563, 651, 775, 841
Resolutions by.....	47, 71, 147, 370, 420, 579
Bills by .....	429, 536, 565, 611, 845, 868
Notices by.....	354, 700
Motions by...9, 57, 59, 141, 230, 641, 648, 688, 778, 793, 842, 849,	972, 992.
Leave of absence granted to.....	279, 315

## LINDSEY JOHN V.

Appeared and was qualified .....	4
Petition by.....	239
Resolutions by.....	51, 68, 71, 98
Motions by.....	229
Leave of absence granted to.....	248, 787

## LINSDAY, NATHANIEL R.

Appeared and was qualified.....	4
Petitions, &c., by .....	161, 474, 616, 722, 878, 971
Report by.....	454
Resolutions by .....	99, 137, 205, 449, 478, 497, 605
Bills by .....	207, 392
Motions by...136, 232, 325, 351, 410, 485, 544, 552, 571, 583, 611,	654, 660, 680, 695, 791, 893.

## LITCHFIELD, DAVID.

Appeared and was qualified.....	118
Resolutions by.....	259, 292, 564

## LISTON, JONATHAN A.

Elected Law Commissioner.....	362
-------------------------------	-----

## MADISON AND INDIANAPOLIS RAILROAD COMPANY.

Communication from President of .....	661
Communication from President of .....	683
Communication from President of .....	754

## MAJOR, STEPHEN.

Elected Commissioner of Hospital for the Insane .....	566
---	-----

## MAJOR, WILLIAM.

Appeared and was qualified .....	5
Petitions, &c., by .....	104, 414
Resolutions by .....	450, 654, 679
Leave of absence granted to .....	946

## MANSON, MAHLON D.

Appeared and was qualified .....	4
Petition by .....	315
Resolutions by .....	30, 204, 234, 447
Motions by .....	8, 30, 35, 56, 390, 600, 683, 760
Leave of absence granted to .....	98, 281, 920
Leave given to vote .....	275, 357, 703

## MARCH, WALTER.

Elected Law Commissioner .....	362
--------------------------------	-----

## MARRS, URBIN.

Appeared and was qualified .....	5
Resolution by .....	78
Leave of absence granted to .....	98, 173, 653

## MAY, ALLEN.

Elected Agent of State .....	40
------------------------------	----

## MAYFIELD, FRANCIS F.

Appeared and was qualified .....	4
Petition by .....	378
Resolution by .....	679
Bill by .....	752
Motions by .....	282

## McALLISTER, THOMAS.

Appeared and was qualified .....	4
Reports by .....	386, 497, 651
Resolution by .....	225
Bill by .....	497
Leave of absence granted to .....	899

## McCLELLAND, BEATTIE.

Elected Director of State Bank .....	90
--------------------------------------	----

## McCONNELL, GEORGE W.

Appeared and was qualified .....	6
Petitions, &c., by .....	322, 348
Resolution by .....	53
Motions by .....	184, 267, 359, 377, 915, 918
Leave of absence granted to .....	592

## McDONALD, ALEXANDER.

Appeared and was qualified .....	4
Petitions, &c., by .....	242, 364, 365
Reports by .....	280, 524, 576, 595, 799, 904, 930
Resolutions by .....	101, 190, 514, 809
Bills by .....	227, 525, 576, 595, 760, 906
Notice by .....	869
Motions by .....	117, 149, 157, 160, 186, 227, 238, 245, 248, 410, 451, 486
	494, 500, 532, 575, 579, 591, 597, 598, 627, 635, 642, 645
	648, 665, 724, 735, 741, 746, 773, 792, 800, 802, 811, 816
	834, 835, 840, 845, 882, 901, 919, 922, 938, 946, 984
Leave given to vote .....	170, 246

## McDOWELL, GEORGE.

Appeared and was qualified.....	4
Reports by.....	367, 386, 461, 648
Resolutions by .....	525, 606, 678, 689, 951
Bills by.....	367, 386, 461
Motions by.....	282, 283, 287, 303, 395, 426, 447, 545, 581, 588, 610 655, 824, 826, 834, 855, 923, 986

## MESSAGES FROM THE GOVERNOR.

Annual message.....	14
Approving bills—No. 2 p 222; Nos. 33, 5, 22, 13, 36, p 334; No. 6 p 349; No. 49 p 377; Nos. 24, 31, 11, 52, p 453; Nos. 44 and 65 p 571; No. 60 p 565; No. 78 p. 592; Nos. 15, 67, p 632; No. 98 p 689; Nos. 28, 92, p 748; Nos. 17, 14, p 764; Nos. 83, 132, p 810; Nos. 34, 64, 115, 68, p 956.	
Approving joint resolutions—No. 8, p 376; No. 11, p 453; No. 5, p 571; Nos. 13, 14, p 689.	

## MESSAGES FROM THE SENATE.

Informing House of the organization of Senate.....	10
Relative to opening session with prayer .....	12
Relative to appointing joint committee to wait on Governor..	13
Informing House of the passage of Senate bills—No. 12, p 169; No. 20, p 179; No. 22, p 203; No. 11, p 203; No. 27, p 237; No. 30, p 244; No. 34, p 264; No. 33, p 267; No. 41, p 328; No. 36, p 342; No. 8, p 346; No. 39, p 363; No. 28, p 376; No. 60, p 477; No. 26, p 545; No. 6, p 588; No. 55, p 624; No. 58, p 626; No. 63, p 628; No. 67, p 729; No. 48, p 863; No. 69, p 873; No. 47, p 874; No. 80, p 874; No. 70, p 896; No. 77, p 932; Nos. 82, 81, p 951; No. 88, p 970; No. 74, p 970.	
Informing House of the passage of House bills, without amend- ment—No. 25, p 244; No. 65, p 527; No. 44, p 533; No. 78, p 554; Nos. 28, 92, p 681; No. 132, p 783; No. 83, p 783; Nos. 64, 68, p 868; No. 115, p 882; No. 129, p 950.	
Informing House of the passage of House bills, with amend- ments—No. 2, p 167; No. 13, p 202; No. 33, p 244; No. 6, p 261; No. 5, p 278; No. 36, p 296; No. 33, p 296; No. 31, p 346; No. 49, p 350; No. 27, p 364; No. 24, p 376; No. 11, p 404; No. 52, p 419; No. 15, p 558; Nos. 67, 17, p 607; No. 42, p 607; Nos. 56, 98, 630; No. 34, p 863; No. 89, p 932; No. 135, p 950; No. 122, p 970.	

Relative to amendments, House bill No. 6, 269; House bill No. 6, 322; House bill No. 31, 374; House bill No. 98, 644; House bill No. 56, 644; House bill No. 17, 735; Senate bill No. 80, 898; Senate bill No. 80, 914.	
Resolution to go into election of Agent of State.....	37
Resolution to go into election of Bank Director.....	66
Election of Bank Director on the part of the Senate.....	91
Concurring in the resolution of the House to appoint joint committee to inquire into the constitutionality of acts amending city and town charters.....	95
Informing House of the adoption of a resolution to appoint a joint committee on Phraseology and Arrangement.....	108
A resolution relative to a revision of the laws.....	160
On concurring in the resolution relative to a revision of the laws .....	177
Announcing the appointment of committee on Enrolled Bills...	209
On concurring in the resolution relative to joint committee on Education.....	236
Relative to a joint committee on Revision, &c.....	243
Announcing on the part of the Senate the joint committee on Revision, &c.....	257
Calling on House to return bill of the House No. 33.....	260
Prescribing rules for government of joint committee on Revision, &c.....	295
Calling on House to return the rules of joint committee on Revision, &c. ....	311
To go into the election of three commissioners to revise, simplify, &c.....	327
Announcing that the President has signed Senate bills Nos. 22, 30, 34 .....	341
Informing the House of the passage of House joint resolutions, without amendment, No. 5, p. 533; No. 13, p. 631; No. 14, page 644; Nos. 10, 16, 23, p. 956.	
Informing the House of the passage of House joint resolutions, with amendments, No. 9, p. 375; No. 11, p. 403.	
Relative to appointment of joint committee on State Board of Equalization.....	419
On going into the election of two commissioners for Insane Hospital .....	557
Announcing a committee of Free Conference on House bill No. 56 .....	660
Relative to an adjournment <i>sine die</i> .....	671
Announcing a committee of Free Conference on House bill No. 17.....	715
On going into the election of Reporter for Supreme Court.....	770

## MILLER, HUGH.

Appeared and was qualified.....	4
Petitions, &c., by.....	378, 407, 474, 994
Reports by.....	181
Resolutions by.....	44, 55, 64, 100, 390, 640
Bills by.....	181
Notices by.....	86
Motions by.....	176, 243, 282, 292, 772

## MITCHELL, JAMES.

Communication by.....	995
-----------------------	-----

## MORRIS, ISAAC H.

Appeared and was qualified.....	4
Petitions, &c., by.....	191, 330, 348
Report by.....	457
Resolutions by.....	147, 173, 351, 783, 857
Leave of absence granted to.....	248, 565

## MUDGET, GILMAN C.

Appeared and was qualified.....	6
Petition by.....	406
Report by.....	467
Resolutions by.....	44, 114, 843
Bill by.....	467
Motions by.....	74, 209, 232, 234, 382, 383, 546, 587, 628, 645, 693 713, 762, 922
Leave of absence granted to.....	267

## NELSON, ISAAC D. G.

Appeared and was qualified.....	3
Petitions, &c., by.....	66, 516, 701, 732, 817
Reports by.....	685, 878, 932, 949
Resolutions by.....	44, 52, 389, 450, 549, 622, 949
Bills by.....	149, 155, 371, 932
Notices by.....	103, 148, 358, 565



Motions by	126, 175, 186, 204, 231, 235, 300, 347, 422, 550, 587 597, 608, 628, 654, 657, 667, 759, 765, 787, 790, 801 826, 862, 869, 914, 929, 958, 980, 983
------------	--

## OWEN, ROBERT DALE.

Appeared and was qualified	5
Petitions, &c., by	304, 593, 978
Reports by	105, 129, 130, 297, 325, 537, 542, 650, 676, 684, 746 797
Resolutions by	70, 82, 225, 227, 299, 301, 350, 406, 497, 621, 640 689, 717
Bills by	56, 308, 542, 649, 651, 684, 797
Notices by	42, 204, 302, 643, 677
Motions by	7, 29, 38, 53, 62, 66, 72, 74, 98, 109, 136, 157, 168 173, 199, 229, 256, 270, 280, 287, 309, 310, 315, 318 333, 351, 420, 471, 505, 547, 550, 600, 608, 627, 643 653, 655, 656, 703, 718, 719, 766, 787, 794, 795, 812
Leave of absence granted to	817

## PATTERSON, GEORGE W.

Elected Doorkeeper	8
--------------------	---

## PETTIT, JOHN.

Communication from	66
Communication from	86

## PETITIONS, MEMORIALS, REMONSTRANCES, &amp;c., PRESENTED.

By Mr. Barker	201, 414, 878, 879
Beane	191, 223, 330, 684
Beeson	384
Behm	104, 191, 304, 575, 604, 861, 969, 994
Brady	384, 593, 663, 877, 925
Bryant	321, 456, 502, 946
Bulla	222
Buskirk	30, 104, 222, 223, 385, 497, 516, 575
Carpenter	43, 365, 534, 684, 861, 878
Chowning	548, 576
Cockrum	552, 837

By Mr. Cowgill .....	67, 249, 377, 650
Crawford .....	548
Crim .....	862
Cromwell .....	616
Davis .....	50, 305, 348, 723, 749
Dice .....	414
Dobson .....	152, 192, 307, 407
Donaldson .....	684, 837
Doughty .....	533
Douthit .....	365, 817, 946
English .....	151
Foster .....	104, 604
Geddes .....	305
Gibson .....	298, 516, 622
Goudy .....	222, 305, 315, 593, 817
Graham .....	39, 732
Gunn .....	347, 663, 784
Hanna .....	222, 322, 330, 364, 501
Harrison .....	36, 161, 167, 378, 385
Hay of Clark .....	330, 384, 604, 617, 702, 723, 796
Hays of White .....	322, 348, 365, 723, 978
Helmer .....	385, 732
Hicks ....	126, 180, 385, 407, 474, 495, 548, 558, 575, 702 715, 817
Holladay of Parke .....	926, 979
Holliday of Blackford .....	161, 192, 474, 732
Holman .....	415, 702
Hostetter .....	377, 701
Hudson .....	654, 926
Huey .....	348, 604, 617, 636
Hunt .....	136, 330
Kent .....	348, 457
King .....	406, 636, 695
Laverty .....	516, 604
Lawrence .....	900, 979
Leviston .....	49, 684
Lewis .....	126
Lindsey of Fayette .....	239
Lindsay of Howard .....	161, 474, 616, 722, 878, 971
Major .....	104, 414
Manson .....	315
Mayfield .....	378
McConnell .....	322, 348
McDonald .....	242, 364, 365
Miller .....	578, 407, 474, 994
Morris .....	191, 330, 348
Mudget .....	406
Nelson .....	66, 516, 701, 732, 817

By Mr. Owen.....	304, 593, 978
Porter .....	93, 161, 284, 285, 322, 330, 348, 593, 784
Reynolds.....	67, 192, 516, 701
Scudder .....	365, 378, 534
Shanklin .....	305, 384, 817
Smith of Marion .....	66, 414, 650
Smith of Spencer .....	457
Spencer.....	151, 285, 377, 304, 456, 731
Stanfield.....	837
Staton.....	559
Stevens.....	315, 322, 385, 417, 732
Stover.....	304
Struble .....	93, 104, 406, 636, 925
Stuart .....	92, 414, 516, 617, 702
Suit .....	103, 559
Sumner.....	305, 378, 575, 732, 749, 784
Sweet .....	49
Thompson .....	67, 239
Torbet.....	229, 415, 731, 752
Walker .....	344
Watson .....	322
Williams .....	364, 558
Wilson .....	348, 378, 385, 481, 501
Withers .....	305
Mr. Speaker .....	900
Clerk.....	249, 284

### PORTER, SAMUEL.

Appeared and was qualified.....	5
Petitions, &c., by.....	93, 161, 284, 285, 322, 330, 348, 593, 784
Resolutions by .....	606, 623
Motions by.....	93, 282

### PRACTICE AND PLEADINGS.

Commissioners elected for the revision, simplification, and abridgment of .....	362
---	-----

### PRINCIPAL CLERK.

George L. Sites elected.....	7
Resolution authorizing to employ assistants .....	29
Resolution authorizing to contract for newspapers.....	31

Communication relative to contract for newspapers .....	35
Duties of, defined .....	159
“ relative to petitions, &c. ....	249
Petition presented by .....	284

### PRIVATE SECRETARY.

Francis King appointed .....	314
------------------------------	-----

### PROTESTS.

By E. P. Hicks, on the action of the House on Senate joint resolution No. 34, in favor of the Hungarian Patriots.....	342
By John W. Davis, H. W. Barker, and others, against the passage of Senate bill No. 47, an act districting the State into Supreme Judicial districts.....	943

### RAY, JOEL.

Appeared and was qualified .....	3
Resolutions by.....	114, 148, 224, 326
Leave of absence granted to .....	845

### READ, DANIEL.

Communication from .....	321
--------------------------	-----

### REPORTER TO THE SUPREME COURT.

Election of Horace E. Carter.....	788
-----------------------------------	-----

### REPORTS FROM STANDING COMMITTEES.

#### *On Agriculture.*

By Mr. McAllister, on the petition of sundry citizens of Steuben county .....	386
By Mr. McAllister, bill No. 88.....	497
By Mr. Wells, bill No. 114.....	638
By Mr. Bulla, on a resolution relative to taxing stable horses...	638
By Mr. Hays, on a resolution relative to bulls, rams, &c., running at large .....	639

✓ By Mr. Wells, bill No. 117 .....	651
By Mr. McAllister, on petition of the citizens of Lake county..	651
By Mr. Thompson, relative to levying a tax on dogs.....	677
By Mr. Nelson, on House bill No. 68.....	685
✓ By Mr. Wells, bill No. 129 .....	750
By Mr. Nelson, on report of Board of Agriculture .....	949

### *On Banks.*

By Mr. Spencer, relative to a Free Banking Law.....	425
By Mr. Spencer, on collating all laws defining the powers and duties of the several boards doing county business.....	466
By Mr. Spencer, on report of State Bank.....	535

### *On Benevolent and Scientific Institutions.*

By Mr. Lewis, relative to the Asylum for the Deaf and Dumb..	253
By Mr. Hunt, on House bill No. 31.....	254
By Mr. Hunt, on House bill No. 31.....	367
By Mr. Hay of Clark, on Senate bill No. 11.....	280
By Mr. Hay of Clark, on Senate bill No. 11.....	379
By Mr. Beeson, relative to the Asylum for the Blind.....	380
By Mr. Beeson, relative to Reporter.....	429
By Mr. Lewis, bill No. 80.....	429
By Mr. Hart, on the Hospital for the Insane.....	512
By Mr. Lewis, relative to Commissioners of Hospital for Insane..	536
By Mr. Lewis, bill No. 95.....	536
By Mr. Lewis, on a resolution relative to case of epileptic persons	549
By Mr. Lewis, on a resolution relative to the admission of incur- able insane persons into the Hospital .....	563
By Mr. Lewis, as to whether certain officers of the Asylum gave bond .....	651
By Mr. Lewis, on a resolution relative to the damage by fire to Insane Hospital .....	775
By Mr. Lewis, on House bill No. 80 .....	841

### *On Corporations.*

By Mr. Leviston, in reference to general Plank Road law .....	166
By Mr. Helmer, on the petition of J. B. Oaks, and others.....	181
By Mr. Leviston, bill No. 59.....	332
By Mr. Stover, bill No. 63 .....	349
By Mr. Helmer, on House bill No. 60 .....	367
By Mr. McDowell, House bill No. 64 .....	367
By Mr. Sumner, bill No. 68.....	379
By Mr. Leviston, bill No. 69.....	379
By Mr. McDowell, bill No. 72 .....	386
By Mr. Stanfield, bill No. 79.....	425

By Mr. McDowell, bill No. 81 .....	461
By Mr. Leviston, on the State's interest in the Madison and Indianapolis Railroad, bill No. 82.....	462
By Mr. Leviston, on House bill No. 8 .....	465
By Mr. Stover, reporting bill No. 85 .....	476
By Mr. Sumner, bill No. 86.....	476
By Mr. Stover, on the petition of B. Woods and others, of Lake county .....	477
By Mr. Sumner, bill No. 90.....	512
By Mr. Stanfield, on a resolution relative to taxes in towns, &c. ....	595
By Mr. Stanfield, on petition and remonstrance of citizens of Randolph county.....	595
By Mr. Stanfield, on petition of L. Beck and others.....	596
By Mr. Stover, bill No. 112.....	620
By Mr. Leviston, on House bill No. 59 .....	677
By Mr. Leviston, on House bill No. 109 .....	678
By Mr. Stover, House bill No. 124.....	724
By Mr. Leviston, House bill No. 138 .....	799
By Mr. Stover, on a resolution relative to Foreign Insurance Companies, bill No. 163.....	949
By Mr. Leviston, reporting bill No. 163 .....	950

### *On Education.*

By Mr. Owen, in reference to the application of the funds derived from the sale of lands originally granted to the State for a "Seminary of Learning," to the purposes of common schools .....	105
By Mr. Owen, on a resolution relative to teaching English in the common schools.....	129
By Mr. Owen, on a resolution relative to the sale of the school sections in the several townships.....	129
By Mr. Bryant, bill No. 48 .....	253
By Mr. Owen, on the subject of the Saline lands .....	297
By Mr. Owen, bill No. 116 .....	651
By Mr. Owen, on House bill No. 64 .....	676
By Mr. Owen, relative to parents sending children to school ...	676
By Mr. Owen, relative to the unsold Saline lands, and bill No. 119 .....	676
By Mr. Owen, on Normal Schools and bill No. 121.....	684
By Mr. Owen, bill No. 137 .....	797

### *On Elections.*

By Mr. Donaldson, on resolution relative to the number of Supervisors .....	142
By Mr. Donaldson, on the credentials of members.....	250
By Mr. Donaldson, House bill No. 71 .....	385
By Mr. Donaldson, House bill No. 76 .....	407
By Mr. Bulla, bill No. 141.....	838
By Mr. Donaldson, on House bill No. 71 .....	946

*On Engrossed Bills.*

By Mr. Suit, on House bills Nos. 2, 5, and 11, and joint resolution No. 1.....	92
By Mr. Suit, on bill No. 13, and joint resolution No. 2.....	117
By Mr. Suit, on bills Nos. 25 and 33 .....	206
By Mr. Suit, on bill No. 36, and joint resolutions Nos. 5 and 6, .....	239
By Mr. Suit, on joint resolution No. 5, and House bill No. 42, .....	270
By Mr. Suit, on joint resolution of the House No. 7, and House bill No. 44 .....	303
By Mr. Suit, on House joint resolutions Nos. 8 and 9, and House bill No. 46.....	306
By Mr. Suit, on House joint resolution No. 10, and House bills Nos. 48 and 52.....	320
By Mr. Wilson, on bill No. 23, and joint resolution No. 11.....	341
By Mr. Wilson, on bill No. 56, and joint resolution No. 12.....	362
By Mr. Wilson, on bill No. 69 .....	413
By Mr. Scudder, on bills Nos. 13, 62 and 76.....	425
By Mr. Morris, on bill No. 78.....	457
By Mr. Suit, on bills Nos. 47 and 67 .....	468
By Mr. Wilson, on bill No. 34, and joint resolution No. 14.....	494
By Mr. Wilson, on bill No. 83 .....	549
By Mr. Wilson, on bill No. 54.....	557
By Mr. Wilson, on bills Nos. 87, 88, 90, 92, 94, and joint resolutions Nos. 15 and 16 .....	615
By Mr. Wilson, on bills Nos. 110 and 113.....	636
By Mr. Wilson, on bills Nos. 89 and 112.....	649
By Mr. Wilson, on bill No. 115.....	672
By Mr. Wilson, on bills Nos. 91, 109, 3 and 64.....	697
By Mr. Suit, on bill No. 132.....	763
By Mr. Suit, on bill No. 82.....	785
By Mr. Suit, on bills Nos. 93 and 135, and joint resolution No. 20.....	832
By Mr. Cockrum, on bill No. 129, and joint resolution No. 17, .....	832
By Mr. Suit, on bills Nos. 80 and 142.....	860
By Mr. Suit, on bills Nos. 102 and 136, and joint resolution No. 23.....	860
By Mr. Suit, on bill No. 145 .....	873
By Mr. Suit, on bill No. 152 .....	897
By Mr. Wilson, on bill No. 40, and joint resolution No. 24.....	940
By Mr. Suit, on bill No. 118 .....	956
By Mr. Suit, on bills Nos. 127, 138, 144, 157, 158 and 160.....	971
By Mr. Suit, on bill No. 108 .....	994
By Mr. Suit, on bills Nos. 164 and 165.....	994

*On Enrolled Bills.*

By Mr. Smith of M., on bill No. 2.....	201
By Mr. Smith of M., on bill No. 25.....	303
By Mr. Smith of M., on bills Nos. 5, 13, 36.....	306
By Mr. Behm, on bill No. — .....	329
By Mr. Smith of M., on bill No. 6.....	341
By Mr. Smith of M., on bill No. 49, and joint resolution No. 8, .....	372
By Mr. Smith of M., on bills Nos. 11, 24, 31 and 52 .....	421
By Mr. Holliday of B., on joint resolution No. 11.....	422
By Mr. Smith of M., on bill No. 60.....	502
By Mr. Smith of M., on bills Nos. 44 and 65.....	549
By Mr. Smith of M., on bill No. 78.....	569
By Mr. Smith of M., on bill No. 15.....	593
By Mr. Smith of M., on bill No. 67.....	617
By Mr. Smith of M., on bill No. 98.....	658
By Mr. Smith of M., on bill No. 28.....	685
By Mr. Smith of M., on bill No. 92.....	730
By Mr. Smith of M., on bill No. 17.....	763
By Mr. Smith of M., on bill No. 42.....	764
By Mr. Smith of M., on bills Nos. 83 and 132.....	786
By Mr. Smith of M., on bills Nos. 34 and 64.....	897
By Mr. Smith of M., on bills Nos. 68 and 115.....	924
By Mr. Smith of M., on bills Nos. 89, 129, 135.....	971

*Joint Committee on Enrolled Bills.*

By Mr. Lavery, on bills of Senate Nos. 30, 22, and 34.....	305
By Mr. Lavery, on House bills 11, 31, 24 and 52, and joint resolution No. 11.....	432
By Mr. Lavery, on Senate bill No. 11.....	470
By Mr. Lavery, on House bills Nos. 44 and 65.....	556
By Mr. Lavery, on House bill No. 60.....	556
By Mr. Lavery, on House bills Nos. 44 and 65, and joint resolution No. 5 .....	569
By Mr. Lavery, on House bill No. 78.....	581
By Mr. Lavery, on Senate bill No. 36 .....	629
By Mr. Lavery, on House joint resolution No. 13.....	644
By Mr. Lavery, on House joint resolution No. 13.....	650
By Mr. Lavery, on House joint resolution No. 14.....	661
By Mr. Lavery, on House bill No. 98, and House joint resolution No. 14 .....	673
By Mr. Lavery, on House bill No. 18.....	699
By Mr. Behm, on House bill No. 92.....	730
By Mr. Lavery, on House bill No. 17.....	763
By Mr. Lavery, on House bill No. 42.....	763



By Mr. Lavery, on House bills Nos. 83 and 132 .....	785
By Mr. Lavery, on House bills Nos. 34 and 64 .....	924
By Mr. Lavery, on House bills Nos. 68 and 115 .....	940
By Mr. Lavery, on House joint resolutions Nos. 10, 16, and 23 .....	971
By Mr. Lavery, on House bills Nos. 89, 129, 135, and House joint resolutions Nos. 10, 16 and 23 .....	993

*On the Judiciary.*

By Mr. Gookins, House bill No. 5 .....	50
By Mr. Holman, on House bill No. 2 .....	57
By Mr. Holman, House joint resolution No. 1 .....	67
By Mr. Holman, House bill No. 17 .....	95
By Mr. Stanfield, on petition of I. Thompson and others .....	104
By Mr. Behm, on resolution relative to Surrogate system .....	105
By Mr. Gibson, on resolution relative to road tax .....	127
By Mr. Behm, on House bill No. 19 .....	127
By Mr. Beach, on resolution relative to fines and forfeitures .....	127
By Mr. Holman, on House bill No. 16 .....	128
By Mr. Holman, on House bill No. 22 .....	143
By Mr. Gookins, relative to allowing witnesses the usual fees allowed in civil suits .....	144
By Mr. Beach, on the petition of S. Needham and others .....	152
By Mr. Gookins, referring the revised code of 1843 to the ap- propriate standing committees .....	161
By Mr. Stanfield, on the subject of laws in force relative to prosecuting attorneys in the 4th and 8th judicial circuits .....	164
By Mr. Behm, on the constitutionality of amendments to special acts .....	180
By Mr. Holman, on House bill No. 6 .....	192
By Mr. Behm, on House bill No. 1 .....	193
By Mr. Holman, on the establishment of the office of Attorney General .....	202
By Mr. Behm, on the petition of Isaac E. Johnson and others .....	203
By Mr. Holman, on the petition of J. Blalock and Rhoda E. Blalock .....	240
By Mr. Beach, on House bill No. 33 .....	252
By Mr. Holman, on House bill No. 28 .....	252
By Mr. Gibson, on House bill No. 5 .....	285
By Mr. Gibson, on Senate bill No. 27 .....	289
By Mr. Behm, on House bill No. 13 .....	297
By Mr. Holman, on House bill No. 46 .....	297
By Mr. Stuart, on House bill No. 21 .....	323
By Mr. Holman, on House bill No. 32 .....	407
By Mr. Beach, on House bill No. 65 .....	408
By Mr. Stuart, on House bill No. 62 .....	416
By Mr. Behm, on House bill No. 50 .....	422

By Mr. Stanfield, on House bill No. 57.....	423
By Mr. Beach, on Senate bill No. 39.....	423
By Mr. Holman, on House bill No. 39.....	424
By Mr. Stanfield, on House bill No. 26.....	457
By Mr. Stuart, on House bill No. 62.....	459
By Mr. Behm on Senate bill No. 33.....	460
By Mr. Gibson, on House bill No. 63.....	460
By Mr. Beach, on House bill No. 40.....	461
By Mr. Holman, on House bill No. 48.....	461
By Mr. Gibson, on House bill No. 61.....	474
By Mr. Holman, on House bill No. 34.....	475
By Mr. Behm, on House bill No. 66.....	476
By Mr. Behm, on petition of Mary Ann Jones.....	502
By Mr. Beach, on petition of C. O. Fory and others.....	502
By Mr. Holman, on House bill No. 54.....	503
By Mr. Gibson, on House bill No. 61.....	510
By Mr. Behm, on bill No. 92.....	517
By Mr. Stanfield, on House bill No. 79.....	517
By Mr. Holman, on the petition of citizens of Ohio county...	524
By Mr. Beach, on petition of I. Kader.....	524
By Mr. Holman, on House bill No. 18.....	534
By Mr. Gibson, on bill No. 94.....	534
By Mr. Holman, on House bill No. 98.....	552
By Mr. Holman, on House bill No. 27.....	560
By Mr. Stanfield, on a resolution relative to garnishees.....	617
By Mr. Behm, on a resolution relative to interest on money ..	618
By Mr. Behm, on a resolution relative to county commissioners	618
By Mr. Behm, on a resolution relative to reducing the number of jurors.....	618
By Mr. Stuart, on a resolution relative to prosecuting attorneys	619
By Mr. Gibson, on a resolution relative to change of county boundaries.....	619
By Mr. Holman, on a resolution relative to taxing dogs.....	620
By Mr. Behm, on House bill No. 45.....	636
By Mr. Beach, on a resolution relative to the rights of colored insane persons.....	637
By Mr. Holman, on the constitutionality of an act therein named	637
By Mr. Behm, on the petition of citizens of Grant county....	664
By Mr. Gibson, on bill No. 118.....	664
By Mr. Stuart, on House bill No. 17.....	665
By Mr. Stanfield, on House bill No. 100.....	673
By Mr. Beach, on House bill No. 91.....	673
By Mr. Holman, on Senate bill No. 63.....	674
By Mr. Holman, on House bill No. 3.....	675
By Mr. Holman, on House bill No. 3.....	702
By Mr. Stanfield, on a resolution relative to commissioners pro- hibiting sheep, hogs, &c., from running at large.....	723
By Mr. Holman, on House bill No. 42.....	733

By Mr. Holman, returning House bill No. 58.....	749
By Mr. Holman, returning House bill No. 80.....	775
By Mr. Holman, on House bill No. —.....	794
By Mr. Gibson, on bill No. 136.....	796
By Mr. Holman, returning House bill No. 108.....	841
By Mr. Holman, on House bill No. 130.....	862
By Mr. Gibson, on House bill No. 144.....	948
By Mr. Behm, on House bill No. 127.....	948

*On Manufactures and Commerce.*

By Mr. McDonald, on bill No. 102.....	576
By Mr. McDonald, on bill No. 106.....	595
By Mr. McDonald, on House joint resolution.....	906
By Mr. Doughty, reporting bill No. 170.....	995

*On Military Affairs.*

By Mr. Smith of S., relative to voluntary militia system.....	349
By Mr. Schoonover, relative to bestowing swords as tokens of honor upon the citizens of the State who served with distinc- tion as soldiers in the war with Mexico.....	365
By Mr. Schoonover, bill No. 89.....	511

*On Organization of Courts.*

By Mr. Spencer, House bill No. 18.....	96
By Mr. Stuart, on grand jury system.....	109
By Mr. Stuart, on bill of House No. 21.....	113
By Mr. Stuart, on bill No. 37.....	193
By Mr. Stuart, on bill No. 56.....	324
By Mr. Stuart, on House bill No. 55.....	334
By Mr. Stuart, on House bill No. 21.....	336
By Mr. Beach, on bill No. 65.....	368
By Mr. Stuart, on bill No. 70.....	380
By Mr. Henry, on a resolution relative to notice to non-resi- dents.....	639
By Mr. Stuart, on a resolution relative to jurisdiction of Justices,	639
By Mr. Stuart, on a resolution relative to constables.....	652
By Mr. Dobson, on bill No. 122.....	688
By Mr. Stuart, on bill No. 123.....	688
By Mr. Stuart, on House bill No. 122.....	743
By Mr. Dobson, on House bill No. 70.....	846
By Mr. Gookins, on House bill No. 128.....	847
By Mr. Holladay of Parke, on House bill No. 111.....	847
By Mr. Henry, on House bill No. 133.....	848
By Mr. Stuart, on House bill No. 122.....	982

*On Public Buildings.*

By Mr. Huffstetter, on the subject of new stoves for Hall of House of Representatives, bill No. 41.....	223
By Mr. Huffstetter, on the communication of State Librarian.....	298
By Mr. Huffstetter, in reference to cattle and hogs pasturing on the State House Square, destruction of shrubbery, &c.....	477
By Mr. Huffstetter, on bill No. 87.....	478
By Mr. Huffstetter, on the report of Librarian and sundry resolutions reporting bill No. 152.....	876

*On the Rights and Privileges of the Inhabitants of the State.*

By Mr. Bryant, on bill No. 45.....	240
By Mr. Bryant, relative to the delay of newspapers and other documents transmitted through the post office.....	430
By Mr. Bryant, on the petition of citizens of Allen county...	879

*On Roads.*

By Mr. Huffstetter, on a resolution relative to certain changes in the general plank road law.....	95
By Mr. Foster, on the petition of J. Dyer and others.....	152
By Mr. Huffstetter, on the subject of the three per cent. fund.....	223
By Mr. Huffstetter, relative to a general road law, bill No. 58.....	331
By Mr. Huffstetter, on the petition of sundry citizens of Carroll county.....	366
By Mr. Hicks, on the petition of S. Needham and others.....	366
By Mr. Huffstetter, on the petition of sundry citizens of Steuben county.....	366
By Mr. Huey, on the petition of citizens of Randolph and Jay counties.....	408
By Mr. Withers, on petition of citizens of Ohio county.....	535
By Mr. Lawrence, on petition of citizens of Porter county...	535
By Mr. Huffstetter, on a resolution relative to the public works,	548
By Mr. Hicks, on the petition of T. Jones and others.....	563
By Mr. Huffstetter, on the petition from citizens of Laporte and several other counties.....	879
By Mr. Huffstetter, on House bill No. 58.....	927

*On the State Library.*

By Mr. Harrison, on House bill No. 47.....	432
By Mr. Harrison, relative to State Librarian subscribing for one copy each of the public newspapers of the State.....	466

*On State Prison.*

By Mr. Gibson, on the petition of S. H. Patterson, lessee, &c., House bill No. 157.....	926
By Mr. Gibson, on the petition of S. S. Lyons.....	949

*On Swamp Lands.*

By Mr. Miller, on House bill No. 36.....	181
By Mr. McDonald, on House joint resolution No. 7.....	280
By Mr. McDonald, on House bill No. 93.....	524
By Mr. McDonald on House bill No. 93.....	799
By Mr. McDonald on House bill No. 151.....	

*On Ways and Means.*

By Mr. Lewis, on resolution relative to assessment of property.....	75
By Mr. Torbet, on resolution relative to settlement of county treasurers.....	93
By Mr. Buskirk, on resolution abolishing poll tax.....	94
By Mr. Buskirk, House bill No. 16.....	95
By Mr. Hunt, House joint resolution No. 3.....	136
By Mr. Buskirk, on House bill No. 16.....	141
By Mr. Hunt, House bill No. 24.....	143
By Mr. Buskirk, bill No. 49.....	268
By Mr. Geddes, on the subject of levying tax.....	415
By Mr. Brady, relative to publishing the laws that take effect from and after their passage, in the county newspapers....	416
By Mr. Torbet, on resolution relative to common school fund..	417
By Mr. Lindsay, relative to lien for taxes attaching on the first of March.....	454
By Mr. Carpenter, relative to the assessment of property.....	454
By Mr. Carpenter, on the compensation of county auditors and treasurers.....	455
By Mr. Buskirk, on examination of State offices.....	495
By Mr. Buskirk, bill No. 103.....	594
By Mr. Buskirk, bill No. 104.....	594
By Mr. Buskirk, bill No. 105.....	595
By Mr. Torbet, reporting bill No. 120.....	680
By Mr. Buskirk, on House bill No. 119.....	840
By Mr. Nelson, on petition of J. P. Hedges, and others.....	878
By Mr. Buskirk, on House bill No. 40.....	910

## REPORTS FROM SELECT COMMITTEES.

By Mr. Spencer, waiting upon the Governor and informing him of the organization of the House.....	13
--	----

By Mr. Smith of M., waiting upon Rev. Mr. Wilson to open the session with prayer .....	13
By Mr. Buskirk, relative to what new standing committees were required .....	14
By Mr. English, in reference to the taking of newspapers by the House .....	31
By Mr. Buskirk, revising standing rules .....	50
By Mr. Buskirk, joint standing rules .....	60
By Mr. Spencer, on communication of Jas. N. Taylor .....	77
By Mr. Behm, on communication of John Pettit .....	85
By Mr. Behm, bill of House No. 13 .....	86
By Mr. Leviston, on petition of sundry citizens of Union county .....	96
By Mr. Struble, on the petition of sundry citizens of the valley of the Driftwood fork of White river .....	146
By Mr. Henry, on the subject of Homestead exemption bill No. 26 .....	146
By Mr. Struble, bill No. 27 .....	146
By Mr. Cowgill, on the petition of the stockholders in the Wash and Eel River Plank Road Company .....	153
By Mr. Aarrison, on the petition of the Commissioners of Porter county, bill No. 32 .....	167
By Mr. King, on House bill No. 14 .....	194
By Mr. Spencer, on the best mode to revise the laws .....	224
By Mr. Humphreys, on joint resolution of House No. 5 .....	240
By Mr. Buskirk, on House bill No. 44 .....	270
By Mr. Graham, bill No. 50 .....	298
By Mr. Doughty, on House bill No. 23 .....	325
By Mr. Buskirk, on House bill No. 44 .....	357
By Mr. Stuart, on House bill No. 67 .....	432
By Mr. Mudget, House bill No. 83 .....	467
By Mr. Mudget, on House bill No. 20 .....	467
By Mr. Suit, on the petition of citizens of Clinton and Tipton counties .....	468
By Mr. McDowell, on Senate bill No. 36 .....	468
By Mr. Sumner, bill No. 91 .....	514
By Mr. Owen, on House bill No. 54 .....	537
By Mr. Smith of M., on House bill No. 89 .....	640
By Mr. Smith of M., relative to assessment of taxes in the city of Indianapolis .....	652
By Mr. Owen, reporting rule No. 59 .....	746
By Mr. Buskirk, on House bill No. 104 .....	778
By Mr. Brady, on petition of David and Nancy Burnett .....	783
By Mr. Graham, on House joint resolution No. 17 .....	784
By Mr. Stuart, on general banking, and bill No. 139 .....	808
By Mr. Dobson, on House bill No. 82 .....	814
By Mr. Cromwell, bill No. 142 .....	841
By Mr. Kent, reporting bill No. 146 .....	848
By Mr. Gunn, reporting bill No. 147 .....	863

By Mr. Walker, on petition of citizens of Spencer and Warrick counties .....	879
By Mr. Buskirk, reporting a resolution relative to Boards of Equalization .....	901
By Mr. Nelson, on House bill No. —, reporting bill No. 158...	932
By Mr. Smith of M., reporting bill No. 159.....	932
By Mr. Stover, on Senate bill No. 33 .....	955
By Mr. Barker, on House bill No. 146 .....,.....	980

### COMMITTEE ON FREE CONFERENCE.

By Mr. Owen, on House bill No. 6 .....	325
By Mr. Gibson, on House bill No. 17.....	735

### COMMITTEE OF THE WHOLE.

By Mr. Leviston, on House bill No. 21 .....	372
---	-----

## RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES.

## SUBJECT MATTER OF.

	<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Proceedings.</i>
Informing Senate of organization of House.....	9	Mr. Spencer,	9
Appointing committee of two to inform Governor of organization.....	9	Spencer,	9
Appointing committee to wait on Rev. Wm. Wilson to open the session with prayer.....	9	Smith of M.,	9
To furnish members with rules and joint rules.....	9	Hanna,	9
In relation to adopting rules.....	9	Pavis,	10
In relation to standing committees.....	10	Buskirk,	10
To lay a copy of the Constitution on the desks.....	10	Davis,	10
In relation to newspaper reporters.....	10	Spencer,	10
In relation to rules of House.....	11	Smith of M.,	11
Relative to contract for newspapers.....	11	Gookins,	
Relative to taking newspapers.....	11	Davis of F.,	
To furnish members with the laws of 1850-51.....	14	Foster,	14
Inviting Senate into the Hall to open the session with prayer.....	14	Withers,	14
Authorizing clerks to employ sufficient number of assistants.....	29	Spencer,	29
Authorizing Doorkeeper to employ assistants.....	29	Graham,	
Relative to the election of Agent of State.....	30	Barker,	
Authorizing Doorkeeper to employ five assistants.....	30	Williams,	37



Relative to the election of Agent of State.....	30	Manson,	30
Authorizing Principal Clerk to contract for newspapers.....	31	English,	31
To abolish the office of Agent of State .....	37	Behm,	69
Relative to report of State Librarian.....	38	Smith of M.,	38
On the subject of dividing the State into judicial circuits, and transferring the duties of probate to circuit courts.....	39	Gookins,	42
Inviting Senate to Hall to go into election of Agent of State.....	39	Hanna,	39
Relative to the duties and election of Reporter to the Supreme Court.....	41	Gibson,	41
Relative to the jurisdiction of probate and circuit courts.....	41	Suit,	78
In regard to creating court of common pleas.....	42	Beach,	42
Relative to election of members of Congress in October, 1852.....	42	Brady,	42
Relative to the surrogate system.....	43	Davis,	43
Instructing committee to report a general road law.....	43	Spencer,	43
Relative to creating circuit probate courts.....	43	Foster,	43
Relative to crimes and misdemeanors and the punishment thereof.....	44	Gibson,	44
On the subject of settling decedents' estates.....	44	Nelson,	44
To organize standing committee on swamp lands.....	44	Miller,	44
In regard to general road law.....	44	Brady,	44
To appoint committee of eleven to divide State into congressional districts.....	44	Mudgett,	44
To abolish grand jury system.....	45	Barker,	45
Relative to commissioners to revise and simplify the rules, practice, &c.....	45	Gookins,	45
Relative to the duties of probate courts, compensation, &c.....	45	Stover,	45
To appoint a committee on public printing.....	45	Hicks,	45
In regard to interest on money.....	45	Doughty,	46
Authorizing Judiciary committee to employ a clerk.....	46	Behm,	46
Authorizing committee on Ways and Means to employ a clerk.....	46	Baskirk,	46
In regard to the mode of prosecuting offences less than felonies.....	46	Stuart,	46
In regard to report of State Librarian .....	46	Douthitt,	46

SUBJECT MATTER OF.	<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Proceedings.</i>
Authorizing committee on Organization of Courts to employ a clerk . . . . .	46	Mr. Beach,	46
On the subject of a division of the school fund . . . . .	46	Hanna,	46
On the subject of abolishing poll tax . . . . .	46	Behm,	69
Relative to a geological survey of the State . . . . .	47	Smith of M.,	47
Regarding the revision of the laws . . . . .	47	Spencer,	47
In regard to granting certain funds to common schools . . . . .	47	Holman,	47
Relative to the examination of lunatics . . . . .	47	Lewis,	47
On the subject of the joint rules of the Senate and House . . . . .	50	Buskirk,	51
To furnish Revised Statutes of 1843 to members . . . . .	51	Lindsey,	51
Calling upon the judges of the supreme court for certain information . . . . .	52	Gibson,	52
Calling upon Treasurer of State for certain information . . . . .	52	Nelson,	52
Relative to the selection and drainage of swamp lands . . . . .	52	Nelson,	52
On the subject of allowing plank road companies to borrow money at 8 per cent. . . . .	52	Stanfield,	52
Relative to a uniform mode of assessing property by townships . . . . .	53	Glazebrook,	53
To appoint a committee on Fees and Salaries . . . . .	53	McConnell,	53
Relative to a general plank road law . . . . .	53	Dobson,	53
Regarding the election of county assessors . . . . .	53	Buskirk,	53

On the subject of taxing railroads, &c., in the counties where situate . . . . .	53	Mr. English,	53
Calling upon Auditor of State for amount paid attorneys for State in 10 years . . . . .	54	Smith of M.,	54
On the subject of interest on money. . . . .	54	Beeson,	54
Relative to admission of applicants into the Insane Asylum . . . . .	84	Hay of C.,	54
On the subject of the militia . . . . .	54	Hanna,	54
To appoint committee on Temperance. . . . .	54	Gunn,	54
Relative to the assessment of property. . . . .	55	Miller,	55
Calling for abstract copy of census of Indiana. . . . .	55	Huffstetter,	55
On the subject of organizing State Board of Equalization . . . . .	56	Holman,	56
Relative to the appraisement of real property in 1853 . . . . .	56	Torbet,	56
In regard to the election of Bank director. . . . .	59	Brady,	59
Relative to assessors, also appraising real estate . . . . .	59	Beach,	59
Referring the Governor's Message to appropriate committees . . . . .	63 & 64	Com. Whole House,	64
Relative to misdemeanors and the punishment thereof . . . . .	64	Mr. Miller,	64, 100
Relative to the assessment of taxes upon real estate . . . . .	68	English,	68
On the subject of fees of witnesses before grand juries. &c., . . . . .	68	Davis of F.,	68
On the subject of the sale of county seminaries and the personal property . . . . .	68	Hudson,	68
Calling upon the Door-keeper for number of Assistants. . . . .	68	Linsday,	68
Relative to the valuation and appraisement law . . . . .	68	Doughty,	69
On the subject of exempting \$500 in property from sale. . . . .	69	Stuart,	69
To reconsider vote on the resolution of Mr. Behm to abolish poll tax . . . . .	69	Hays,	69
On the subject of selling school lands yet unsold. . . . .	69	Hays,	69
On the subject of carrying out the provisions of the 13th art. of Constitution . . . . .	69	Hay,	69
To appoint a committee on Homestead Exemption. . . . .	69	Henry,	70
On the subject of trustees having the care of highways in the townships . . . . .	70	Beaue,	70, 72
Relative to a free banking law . . . . .	70	Behm,	70
Instructing committee on homestead exemption to include personal property, . . . . .	70	Owen,	70
Relative to investing school funds in State stocks. . . . .	70	Wells,	70

SUBJECT MATTER OF.	Introduced.	Movers' Names.	Proceedings.
In regard to the 3 per cent. fund .....	71	Lindsey,	71
On the subject of giving to the widow $\frac{1}{3}$ in fee of the decedent's estate in lands,	71	Graham,	71
In relation to the poor laws .....	71	Lewis,	71
Relative to applying proceeds of swamp lands to common schools .....	71	Hanna,	
On the subject of selling the State's interest in the M. and I. Railroad .....	71	Suit,	71
Relative to the election of township supervisors .....	71	Watson,	71
In relation to exemption of not less than \$300, nor more than \$500 .....	71	Hudson,	
Relative to exempting \$100 of personal property in addition, &c. ....	72	Beach,	
On the subject of State Librarian subscribing for public newspapers .....	73	Holman,	73
Relative to reducing price of swamp lands .....	73	Harrison,	73
To appoint a joint committee to inquire into constitutionality of amending town and city charters .....	75	Gookins,	75
Relative to graduating the price of swamp lands .....	75	Williams,	75
To appoint a committee to divide the State into supreme judicial districts .....	78	Kent,	78, 86
Relative to levying additional tax on stocks .....	78	Marrs,	78
Calling on superintendents of benevolent institutions to give an exhibition of the proficiency of their pupils .....	78	Donaldson,	78
To extend jurisdiction of justices throughout the county ..	78	Carpenter,	78

Relative to a classification and sale of the swamp lands .....	79	Cockrum,	79
Relative to Treasurer of State issuing 6 per cent. scrip for draining swamp lands, .....	79	Sumner,	79
Relative to county auditors acting as agents for swamp lands .....	79	Stevens,	79
In regard to the formation of congressional districts .....	79	Davis,	79
Relative to the troops engaged in the Mexican war .....	79	Smith of M.,	79
On distributing the school funds to each congressional township .....	79	Hays of W.,	80
Referring general plank road law and amendments to com. on corporations .....	80	Stanfield,	80
On the subject of fees of jurors and witnesses .....	80	Hart,	80
On the subject of assessment of personal property .....	80	Hicks,	80
Relative to the settlement of county treasurers .....	80	Torbet,	80
To appoint a committee on civil townships .....	80	Struble,	80
Relative to reducing the number of justices of the peace .....	81	Reynolds,	81
In regard to the assessment of road tax .....	81	Spencer,	81
Relative to the protection of the property of insane persons, &c. ....	81	Holman,	81
On the subject of a revised law of descents .....	82	Owen,	82, 168
On the subject of listing property for taxation .....	84	Dobson,	85
Relative to repealing certain parts of the revenue laws .....	85	Scudder,	87
On the subject of increasing pay of witnesses before justices .....	86	Reynolds,	87
Relative to increase of library to the Lunatic Asylum .....	87	Gibson,	87
Relative to Wabash and Erie Canal .....	87	Hanna,	87
Relative to abolishing the office of county assessor .....	87	Eccles,	87
Relative to the assessment of property for taxation .....	87	English,	87
Instructing doorkeepers as to enveloping documents, &c. ....	96	Graham,	97
Relative to an executive council to remit fines, &c. ....	96	Gibson,	97
Relative to protecting wild fruits on swamp lands .....	97	Goudy,	97
Relative to a general railroad law .....	97	Suit,	97
In regard to reducing fees and salaries .....	97	Withers.	98

<i>SUBJECT MATTER OF.</i>	<i>Introduced.</i>	<i>Mover's Name.</i>	<i>Proceedings.</i>
Calling upon Auditor for amount of surplus revenue distributed in 1836 to the counties; and the counties since organized.....	98	Lindsey,	98
Relative to the present probate system.....	98	Smith of M.,	98
Authorizing doorkeeper to employ additional assistant.....	98	Spencer,	98
Relating to a disposition of decedent's estate below \$500.....	99	Carpenter,	99
Relative to reducing the number of grand jurors to six.....	99	Stevens,	99
Relative to homestead exemption.....	99	Linsday,	99
In regard to writs of foreign attachment.....	99	Holman,	99
Relative to a modification of the common school law.....	100	Henry,	100
Authorizing committee on roads to employ a clerk.....	100	Huffstetter,	100
Relative to the mileage of such officers as are required to attend at the State Capitol.....	100	Spencer,	100
Relative to abolishing the publication of the delinquent list, &c.....	100	Taggart,	100
Organizing the committee on revision, arrangement, &c.....	100	Miller,	100
On the subject of county board levying road tax.....	101	Barker,	101
Relative to reducing clerk's fees in the probate court.....	101	Williams,	101
On the subject of the number of resolutions in one day.....	101	McDonald,	101
Relative to labor on highways.....	113	Spencer,	101

Relative to constitutionality of county board levying road tax.....	114	Mudget,	114
Relative to consolidation of common school fund.....	114	Glazebrook,	114
Relative to the formation of voluntary militia.....	114	Doughty,	114
In regard to a modification of the laws of fines and forfeitures.....	114	Shanklin,	114
Relative to exempting from sale on execution \$125.....	114	Holiday of B.,	115
To provide for a uniform mode of doing county business.....	114	Gunn,	115
Relative to the right of voting within the county.....	115	Rav,	115
Relative to the assessment of property.....	115	Hicks,	115
Relative to the sale of the saline lands.....	136	Huffstetter,	136
Relative to the examiners of the teachers of common schools.....	136	Cockrum,	137
In regard to a modification of the grand jury system.....	137	Stover,	137
On the subject of consolidating the common school fund.....	137	Laverty,	137
In regard to the surplus revenue.....	137	Linsday,	137
Relative to prosecuting attorney in the 4th and 8th judicial circuits, &c.....	137	Carpenter,	138
Relative to fines collected for breach of the peace.....	138	Davis,	138
On the subject of road labor.....	138	Smith of S.,	138
Relative to the assessment of property.....	138	Graham,	138
To appoint committee to examine the accounts of Secretary, Treasurer, and Auditor of State.....	138	Davis,	139, 150
Relative to votes given for supervisors.....	142	Com. on Elections,	142
Relative to fees of witnesses.....	146	Judiciary Com.,	146
Relative to sale of school lands.....	147	Mr. Hays,	147
Relative to the constitutionality of an act therein named.....	147	Lewis,	147
Tendering Hall of House to Mary L. Watkins.....	147	Morris,	147
Relative to imposing tax on foreign insurance companies.....	147	Spencer,	147
In regard to providing Houses of Refuge.....	147	Gookins,	147
Relative to abolishing death penalty, &c.....	148	Torbet,	148
Relative to the return of executions by constables.....	148	Withers,	148

<i>SUBJECT MATTER OF.</i>		<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Proceedings.</i>
On the subject of presenting swords to soldiers who served with distinction in the Mexican war.....		148	Mr. King,	148
Relative to tribunals of conciliation.....		148	Davis,	148
In reference to licensing dry goods peddlers.....		148	Ray,	148
To appoint a joint committee to confer on the best mode of revising the laws, Relative to a general road law.....		150	Spencer,	150
Relative to a general road law.....		152	Com. on Judiciary,	152
Relative to a general plank road law.....		153	Select Committee,	153
Relative to the value of real estate recommended to be sold by the Governor in his annual message.....		153	Gibson,	153
In relation to the number of supreme judges.....		154	Brady,	155
On the subject of noise and confusion of Hall, &c.....		155	Gunn,	155
Relative to the appointment of assistant clerks.....		155	Stover,	155
Relative to a general plank road law.....		155	Wells,	155
Defining the duties of principal and assistant clerks.....		159	Stover,	159
To authorize assistant clerk to appoint assistants.....		159	Smith of M.,	160
Authorizing committee on Corporations to employ clerk.....		167	Stanfield,	167
Relative to a free banking law.....		167	Beeson,	167
Relative to county auditors, their fees, &c.....		168	Donaldson,	168



In relation to the election of grand jurors.....	172	Mr. Hart,	172
Relative to a revised law of descents.....	173	Gunn,	173
Relative to permitting electors to vote in an adjoining township.....	173	Morris,	
In regard to abolishing the ten per cent. damages in the collection of delin-			
quent taxes.....	173	Taggart,	173
Relative to protecting citizens who are insured by foreign insurance companies,	173	Holman,	173
On the subject of granting a change of venue in criminal cases.....	174	Torbet,	174
Relative to reducing fees of clerks of probate courts.....	182	Smith of S,	182
On the subject of taxing dogs.....	182	Doughty,	182
Relative to the exclusion of negroes.....	182	Beeson,	182
Relative to publishing certain laws in county newspapers.....	182	Stevens,	182
On the subject of granting license to shows, &c. ....	182	Dice,	
In relation to elections.....	183	Beeson,	183
Calling upon the Treasurer of State for information as to the county of Lake	190	McDonald,	190
On the subject of the probate system.....	195	Hudson,	
Relative to the collection of delinquent taxes.....	195	Shanklin,	
Relative to State Superintendent of Public Instruction.....	195	Holladay of P.,	195
Calling upon Auditor of State for certain information.....	196	Sumner,	196
Relative to condensing all laws concerning common schools.....	196	Hay,	196
Relative to increasing the salaries of certain officers.....	196	Stanfield,	
On the subject of impeachment of county and township officers.....	196	Gookins,	
On the subject of joint committee to revise, simplify and abridge the rules,			
practice, &c. ....	197	Humphreys,	
Relative to the issuing of marriage license.....	197	Gunn,	
Relative to prohibiting certain animals to run at large.....	197	Beeson,	197
On the subject of submitting proof sheet of bills, &c., printed.....	198	Holman,	198
Authorizing clerks to committees to assist other committees.....	200	Donaldson,	200
Relative to purchasing stoves for Hall of House.....	204	Manson,	204

## RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES—Continued.

## SUBJECT MATTER OF.

	<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Proceedings.</i>
On the subject of printing a part of the laws in German.....	204	Mr. Barker,	204
On the subject of abolishing the grand jury system.....	204	Beeson,	204
On the subject of taxing sluts (commonly called bitches) .....	204	Doughty,	204
Relative to establishing a precinct in each township.....	204	Thompson,	205
Relative to investing common school fund in Indiana state stocks .....	204	Holladay of P..	205
To inquire into constitutionality of a certain act .....	205	Cockrum,	205
On the subject of prohibiting lotteries .....	205	Helmer,	205
Relative to equal distribution of common school fund .....	205	Hicks,	205
Relative to electing township assessor .....	205	Foster,	205
In relation to dispensing with services of sergeant-at-arms .....	205	Linsday,	206, 232
Relative to a substitute for grand jury .....	207	Scudder,	207
On the subject of stopping interest on Treasury notes .....	207	Brady,	207
To authorize county commissioners to grant premiums.....	207	Goudy,	207
Relative to sale of State's interest in Madison and Indianapolis Railroad .....	207	Smith of S.,	207
On the subject of licensing stable horses.....	207	Thompson,	207
To inquire into constitutionality of a law therein named.....	221	Torbet,	221
Relative to defining duties of county commissioners.....	224	Brady,	224
On the subject of revising militia law.....	224	Ray,	224

Relative to permanent enclosure of Tippecanoe Battle ground.....	225	Behm,	225
Relative to amending the law respecting county treasurers.....	225	McAllister,	225
On the subject of binding out paupers.....	225	Bulla,	225
Relative to converting certain funds into common school fund.....	225	Withers,	225
Tendering the Hall to Prof. Read.....	225	Owen,	225
Relative to changing the per centum of treasurers in the collection of county revenue.....	226	Smith of S.,	226
Relative to the interest on money.....	226	Kent,	226
Relative to fixed salaries for county officers.....	226	Carpenter,	226
Relative to dispensing with spirituous liquors for medical purposes.....	226	Hanna,	226
On the subject of taxing property in the county where situate.....	226	English,	227
Appointing joint committee on Education.....	227	Owen,	227
Relative to reading book for common schools.....	227	Holladay of P.,	227
Relative to uniform plan of building school houses.....	231	Reynolds,	231
Relative to dispensing with the services of Sergeant-at-arms.....	234	English,	234
Relative to dispensing with services of three Assistant Door-keepers.....	234	Manson,	235
On the subject of electing county assessors.....	235	Buskirk,	235
Relative to township assessors.....	236	Wells,	236
Authorizing Mr. Holloway to act as Assistant Door-keeper.....	237	Humphreys,	241
Calling upon Clerk to furnish list of Assistants, &c.....	238	Davis of F.,	241
Relative to the interest on money.....	241	Leviston,	241
Relative to the time deeds shall be considered as recorded.....	241	Behm,	241
On the subject of distributing school funds.....	241	Doughty,	241
On enlarging the jurisdiction of justices.....	241	Brady,	241
Relative to giving courts the right to change the names of persons.....	241	Thompson,	242
Relative to enclosing State House Square.....	242	Smith of M.,	242
On the subject of collecting the revenue.....	242	Smith of S.,	242
Relative to assessment of property by township assessors.....	242	Spencer,	242

## RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES—Continued.

## SUBJECT MATTER OF.

	<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Proceedings.</i>
On the subject of joint committee on Phraseology, &c.....	243	Senate,	243
Relative to pay of Door-keeper.....	245	Mr. Beeson,	257
Relative to adjournment and meeting of House.....	255	Stanfield,	
Relative to the per diem of members when absent.....	259	Cockrum,	
In relation to uniform mode of electing county commissioners.....	259	Barker,	259
Relative to the immediate revision of the laws.....	259	Litchfield,	259
Calling upon editors to put papers in substantial wrappers.....	259	Behm,	259
Relative to selling stoves in Hall and procuring others.....	259	Suit,	260
Authorizing committee on State Prison to visit the same.....	260	Donham,	260
Relative to election of Commissioners to revise, &c.....	260	Beach,	260
On the subject of taxing docket fees.....	260	Gookins,	
Calling upon House to return House bill No. 33.....	260	Senate,	260
Relative to repealing all laws granting changes of venue.....	271	Mr. Brady,	271
Relative to granting swamp lands to actual settlers.....	281	Goudy,	281
Calling upon Governor for amount of fees paid legal counsel.....	284	Holman,	281
Relative to the quantity of saline lands.....	298	Com. on Education,	298
Relative to repairing stoves in Hall of the House.....	298	Com. Pub. Build'gs,	298
Calling upon Governor for cost of repairs, &c., to Governor's House.....	299	Mr. Owen,	299

Relative to a free banking law.....	299	Hudson,	383
Relative to the portion of unfinished public works of the State.....	301	Owen,	301
Relative to support of Benevolent Institutions.....	307	Struble,	307
Relative to libraries for school districts.....	307	Smith of S.,	307
Relative to reducing clerks' fees in probate courts.....	308	Dobson,	308
Calling upon House to return a certain resolution.....	311	Senate,	311
Soliciting a copy of Prof. Read's address.....	315	Mr. Holman,	316
Relative to the per diem of absent members.....	316	Cockrum,	317
Relative to increase of library of insane Asylum.....	317	Hanna,	317
Calling upon Senate to return House bill No. 42.....	325	Beach,	325
Relative to fixing the rate of taxation.....	325	English,	325
Relative to the election of three Commissioners to revise, &c.....	326	Smith of M.,	326, 328
Relative to the election of county boards.....	326	Dobson,	326
On the subject of revised law of descents.....	326	Ray,	327
Relative to abolishing office of Agent of State.....	327	Behm,	327
On the subject of electing three Commissioners to revise, simplify, &c.....	327	Senate,	327
Relative to uniform mode of doing county business.....	328	Mr. Glazebrook,	328
Relative to exempting lands in Vincennes district for five years after entry.....	340	Graham,	340
Tendering Hall to Dr. K. B. Holland.....	340	King,	342
Relative to protecting State's interest in M. & I. Railroad.....	342	English,	340
To appoint a select committee on Free Banking.....	340	Stuart,	342
Relative to compelling all parents, &c., to give children schooling.....	342	Doughty,	342
Relative to constituting a council to grant pardons, &c.....	342	Stevens,	342
Relative to extending privileges of Library to Superintendent and inmates of Insane Asylum.....	344	Brady,	344
On printing one thousand copies of Prof. Read's address.....	350	Owen,	350
Relative to garnishee third persons in certain cases.....	350	Stover,	350
On the subject of erecting Houses of Refuge.....	350	Leviston,	350

## RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES—Continued.

## SUBJECT MATTER OF.

	<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Proceedings.</i>
Relative to giving Justices jurisdiction of replevin.....	350	Cowgill,	350
Relative to fees of witnesses before grand juries.....	351	Smith of S.,	351
On reducing fees of county officers.....	351	Morris,	351
On tendering Hall to Temperance Convention.....	351	Shanklin,	353
On not granting Hall to Conventions.....	353	Smith of S.,	
On reducing the number of jurors to seven in civil cases.....	354	Geddes,	354
On abolishing the grand jury system.....	354	Hicks,	
Inviting Senate into Hall to elect three commissioners, &c.....	359	Hufstetter,	359
Tendering the Hall to State Temperance Convention.....	362	Glazebrook,	363
On the subject of abolishing capital punishment.....	368	Withers,	369, 641
On the subject of giving townships control of school funds.....	369	Hay of C.,	369
Relative to duties of county surveyors.....	369	Cockrum,	369
Relative to sale of stock in M. & I. Railroad.....	369	Doughty,	369
Calling on Auditor of State for certain information.....	369	Buskirk,	370
Calling on Treasurer of State for certain information.....	370	Buskirk,	370
Calling on Secretary of State for certain information.....	370	Buskirk,	370
Relative to educating pauper children.....	370	Lewis,	370
Calling on Auditor for bill of items of cost of Constitutional Convention.....	370	Geddes,	370

Relative to licensing dealers in merchandise.....	371	Smith of M.,	371
On adding two members to committee on Temperance.....	381	Lawrence,	381
On adjournment, meeting of House.....	381	Withers,	381
Relative to the meeting of House.....	382	Doughty,	383
Relative to abolishing all license laws for retailing liquor.....	382	Bulla,	
Relative to printing all bills of the House.....	388	Withers,	388
Calling on Auditor for certain information.....	388	Staufield,	388
Relative to a general levee law.....	388	Williams,	388
Relative to the 8th of January.....	388	Hanna,	388
Relative to advancement of temperance.....	388	Beeson,	389
Relative to the mode of erecting school houses.....	389	Graham,	389
On districts for county commissions.....	389	Walker,	389
On the subject of auditor investigating accounts, &c.....	389	Nelson,	389
Relative to delay of letters, &c.....	389	Reynolds,	
Relative to duties of prosecuting attorneys.....	390	Foster,	390
On the subject of grand jury system.....	390	Miller,	
Relative to organization of grand jury.....	390	Torbet,	
On postponing grand jury question.....	392	Beach,	392
Relative to duties of board of commissioners.....	392	Litchfield,	
Requesting attendance of senators and representatives at meetings of State Board of Agriculture.....	403	State Board Ag.	
On the subject of selling Governor's House, &c.....	406	Mr. Owen,	406
Requesting superintendent of deaf and dumb to give exhibition.....	409	Stover,	409
To print all bills coming from committees.....	409	Withers,	409
Relative to interest on money.....	409	Doughty,	
Relative to parties being witnesses in civil cases.....	410	Stanfield,	410
On the subject of State Board of Equalization.....	410	Buskirk,	410
Calling upon Auditor for information as to three per cent. fund.....	411	Wells,	411

## RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES.

## SUBJECT MATTER OF.

	<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Proceedings.</i>
Relative to steamboating and rights of passengers, &c.....	411	Spencer,	411
On the subject of levying additional tax for common schools on banks, &c....	415	Com. Ways & M.	415
On the subject of amending the school law.....	417	Mr. Struble,	417
Relative to insane persons and their expenses.....	417	Scudder,	417
Relative to investing common school fund in State stocks.....	417	Com. Ways & M.	417
Relative to constitutionality of certain laws therein named.....	420	Mr. Lewis,	420
On the subject of abolishing all laws for collection of debts.....	447	Manson,	
Relative to donations for Hungarian fund.....	447	Behm,	
Relative to applying surplus revenue to payment of State debt.....	448	Kent,	448
On the subject of commissioners purchasing lands for court houses, &c.....	448	Stanfield,	448
On modification of appraisement and execution laws.....	448	Withers,	448
Relative to changing boundaries of counties.....	448	Graham,	448
Relative to providing for epileptic persons.....	448	King,	448
On amending the law regulating Insane Hospital.....	449	Smith of S.,	449
Relative to hogs, &c., pasturing on State House Square.....	449	Stover,	449
On an appropriation to increase the library of Insane Hospital.....	449	Thompson,	449
Relative to contractor furnishing fuel, &c.....	449	Linsday of H.,	449
Relative to printing as solid matter all bills, resolutions, &c.....	450	Nelson,	450



Relative to limiting suits on official bonds .....	450	Major,	450
On the subject of enlarging the Hospital for the Insane.....	455	Brady,	456
Relative to levying specific road tax by board of commissioners.....	456	Thompson,	456
Relative to levying specific tax on dogs by board of commissioners.....	469	Bulla,	469
Relative to stocks as collateral security for banking.....	469	Beeson,	469
Relative to amending a bill as therein named.....	469	Henry,	469
On the subject of amending law of landlord and tenant.....	469	Carpenter,	469
Relative to some county officer taking charge of school lands.....	469	Leviston,	469
Relative to electing land appraisers in districts.....	470	Thompson,	470
On districting the State in land districts, and fixing a price thereon.....	470	Douthit,	470
Authorizing Doorkeeper to purchase wood.....	470	Gibson,	470
Relative to rendering the office of Treasurer, safe.....	470	Buskirk,	470
Relative to certain duties of committee on Temperance.....	478	Hicks,	478
Requesting Judiciary Committee to give the constitutional points decided.....	478	Linsday of H.,	478
Calling on President of State Bank for information.....	478	Behm,	479
Relative to final adjournment of Legislature.....	479	Suit,	479
Relative to cutting and wasting timber, &c.....	479	Cockrum,	479
Relative to the rights of Benevolent Societies.....	479	Stover,	479
On the subject of punishing those carrying off growing fruit.....	480	Hay of C.,	480
Relative to amount of fines on commissioners.....	480	Withers,	480
On the subject of liability of stockholders in banks.....	480	Helmert,	480
Relative to House not meeting in the afternoon.....	480	Hay of C.,	481
Relative to amending general plank road bill.....	481	Wells,	481
Calling upon the committee on Temperance to report number of petitions and signers.....	481	Beeson,	481
Authorizing committee on Ways and Means to destroy certain bonds, treasury notes, &c.....	496	Ways and Means,	496
Relative to meeting at 8 o'clock, A. M.....	497	Mr. Linsday of H.,	497

RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES—Continued.

SUBJECT MATTER OF.

	<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Proceedings.</i>
On the subject of amending the rules.....	497	Mr. Gibson,	481
Relative to sale of Treasurer's office and lot.....	497	Owen,	497
Of instructions to committee on Organization of Courts.....	498	Behn,	498
Authorizing 100 copies of the report on the subject of the expenses of the Constitutional Convention.....	514	McDonald,	515
Relative to holding afternoon sessions.....	515	Taggart,	525
Relative to printing certain resolutions with the report of Auditor of State on the subject of expenses of Constitutional Convention.....	525	English,	525
Relative to certain provisions in general banking law.....	525	McDowell,	527
Calling upon Secretary of State to furnish better envelopes.....	527	Doughty,	527
Relative to publication and distribution of the laws.....	527	Torbet,	527, 543
Relative to going into election of two commissioners of Hospital for the Insane.....	527	Hay of C.,	527
On the subject of survey of undivided lands.....	527	Thompson,	527
Relative to Door-keeper selling the stoves in the Hall.....	542	Beach,	
On the House meeting at 2 o'clock, P. M.....	543	Spencer,	543
On the subject of bringing suits against the State.....	544	Spencer,	544
Relative to certain amendments in the probate law.....	549	Nelson,	
Granting use of Hall to Dr. R. T. Brown.....	551	Stover,	551

Calling on Treasurer of State for certain information . . . . .	551	Smith of S.,	551
Relative to improvement of rivers, &c. . . . .	551	Carpenter,	551
Relative to vacating streets and alleys . . . . .	551	English,	551
Relative to final settlements of administrators, &c. . . . .	551	Spencer,	551
Relative to a frame for the painting of the Tippecanoe battle ground . . . . .	563	Behm,	564
Relative to the three per cent. fund . . . . .	564	Litchfield,	564
Relative to amending turnpike road charters . . . . .	564	Doughty,	564
Tendering Hall to Prof. Wright . . . . .	564	Bryant,	564
Relative to the assessment of taxes in cities . . . . .	564	Carpenter,	564
Relative to organization of town and city corporations . . . . .	564	Leviston,	564
Relative to the duties of county treasurers . . . . .	564	Lavery,	565
Relative to constables being bailiffs, &c. . . . .	565	Withers,	565
Relative to a general repealing law . . . . .	565	Gibson,	565
Inviting Senate into Hall to elect two Commissioners for Hospital for Insane . . . . .	566	Hay of C.,	566
Tendering Hall to Adam Shambaugh . . . . .	570	Behm,	570
Relative to organization of circuit courts . . . . .	570	Holladay of P.,	577
Relative to granting license for the sale of ardent spirits . . . . .	576	Stanfield,	
Relative to taxing lands from date of entry . . . . .	577	Huffstetter,	
Relative to specific tax on land for road purposes . . . . .	577	Douthit,	
Relative to sending back communication of Secretary of State . . . . .	577	Doughty,	
Calling on President of M. & I. Railroad for certain information . . . . .	579	English,	579
Relative to insane colored persons . . . . .	579	Lewis,	579
Relative to the revision of the laws . . . . .	580	Stuart,	
Relative to incorporating commercial colleges and law schools . . . . .	580	Thompson,	580
Relative to usury and interest on money . . . . .	580	Beeson,	
Relative to organizing circuit courts, &c. . . . .	582	Suit,	
Relative to dividing the State into 20 judicial circuits, &c. . . . .	583	Suit,	
Relative to abolishing the probate system . . . . .	584	Beach,	

## RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES --Continued.

## SUBJECT MATTER OF.

	<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Proceedings.</i>
Calling on Trustees of W. & E. Canal for certain information.....	598	Mr. Stuart,	598
Relative to the assessment of real and personal property.....	598	Beeson,	598
Relative to exempting property to the widow, &c. of decedents' estates.....	598	Graham,	
Relative to appropriation for colonization of negroes.....	605	Withers,	
Relative to fees of witnesses in State cases on change of venue.....	605	Linsday of H.,	605
Relative to taxing canal lands after 1st January, 1852.....	605	Smith of S.,	605
Calling upon Mr. A. Wright for copy of address.....	605	Brady,	
Relative to loaning money found upon deceased persons.....	606	Porter,	606
Furnishing Governor a copy of each bill printed.....	606	Hay of C.,	606
Calling on Auditor of State for certain information.....	606	Baskirk,	606
Relative to exempting school lands from taxation.....	606	McDowell,	606
Instructing law commissioners as therein named.....	621	Owen,	621
Relative to amending road bill.....	621	Williams,	621
Relative to certain officers giving bond.....	622	Stover,	622
Relative to recording votes after the names are called.....	622	Nelson,	622
Relative to colonization of negroes.....	622	Doughty,	622
On the subject of assessment of property for taxation.....	622	Gunn,	
Relative to exempting churches and property from taxation.....	623	Davis of F.,	

Relative to amending school law.....	623	Porter,	630
Ordering 100 copies of report of Judiciary committee printed.....	630	Gibson,	640
Relative to the trust funds.....	640	Beeson,	640
Relative to levying a tax for common school purposes.....	640	Withers,	640
Relative to descent of property.....	640	Owen,	641
Relative to duties of county boards.....	640	Miller,	653
Relative to purchasing the Western Sun and General Advertiser.....	653	Williams,	654
Calling on President of M. & I. Railroad for certain information.....	654	Smith of S.,	654
Calling on Trustees of Asylum for the Blind for certain information.....	654	Major,	671
On rescinding the 57th rule.....	671	Douthitt,	689
In relation to adjournment.....	689	Senate,	678
Calling on Senate to return resolution of adjournment.....	689	Mr. Owen,	678
On the subject of prohibiting license to venders of ardent spirits.....	689	McDowell,	678
Relative to holding two offices of enrolment.....	678	Smith of S.,	679
On the subject of prohibiting stock from running at large.....	678	McDonald,	679
Calling on Auditor of State for certain information.....	678	Mayfield,	679
Relative to furnishing law commissioners with a copy of daily papers.....	679	Reynolds,	679
Relative to constitutionality of a certain act.....	679	Cromwell,	679
Relative to filing the oaths of officers, &c.....	679	Withers,	679
Calling on Board of Commissioners for Insane Hospital for certain information.....	679	Major,	679
Calling on Board of Trustees for Deaf and Dumb Asylum for certain information.....	679	Major,	679
Calling on Judiciary Committee to report back House bill No. 42.....	704	Donaldson,	717
Relative to making seduction a capital offence.....	716	Smith of S.,	717
Calling on committee on Temperance to report the number of petitions and signers.....	717	Doughty,	717
Relative to the rate of taxation for 1852, &c.....	717	Beeson,	

## SUBJECT MATTER OF.

	Introduced.	Movers' Names.	Proceedings.
Relative to pay of witnesses and mileage.....	717	Mr. Withers,	717
Relative to establishing normal school at State University.....	718	Owen,	721
Calling upon Rev. J. Mitchell, agent of the American Colonization Society for certain information.....	724	Spencer,	724
Tendering Hall to a colonization meeting.....	750	Spencer,	750
On the subject of property held in trust.....	750	Cowgill,	750
Relative to extent of damage done by fire to Insane Hospital.....	750	Hay,	750
Relative to fixing standard weight for stone coal.....	750	Watson,	750
On the subject of constables serving warrants in another county.....	750	Withers,	
Relative to House meeting at 8 o'clock.....	751	Struble,	
On the subject of dividing the State into four supreme judicial districts.....	759	Kent,	
On the subject of the court of common pleas.....	793	Stuart,	793
Relative to circuit courts and their powers.....	785	Helmer,	783
Tendering the Hall to the Social Order of Temperance.....	803	Brady,	803
On the subject of adjourning, <i>sine die</i> .....	808	Cockrum,	866
Relative to the present mode of doing probate business.....	808	Doughty,	815-16

Referring certain matters therein named to Judiciary committee.....	809	Stanfield,	809
Calling on Auditor for amount paid for selection of swamp lands.....	809	McDonald,	810
Tendering the Hall to Samuel K. Ho-hou.....	818	Stover,	818
Relative to what property shall be subject to execution.....	818	King,	818
On the subject of Corporations.....	842	Walker,	842
On the subject of giving leave of absence.....	842	Goudy,	842
Relative to certain persons drinking to excess.....	843	Sumner,	843
On the subject of exempting from taxation stocks in certain cases.....	843	Stevens,	843
Relative to adjournment from 1st March to 15th May.....	843	Mudget,	843
Relative to occupying the floor only ten minutes.....	844	Beane,	864
On the subject of members absenting themselves without leave.....	844	Douthit,	864
Tendering the Hall to Rev. B. K. Malthy.....	864	Holladay of P.	867
Calling upon the Auditor of State for certain information.....	864	Buskirk,	867
Relative to adjournment without day, &c.....	864	Holman,	867
Relative to a member occupying the floor 15 minutes.....	867	Douthit,	867
Relative to equalizing the assessment of property.....	867	Shanklin,	880
Relative to Librarian distributing surplus copies of census.....	867	Hunt,	880
Relative to laws exempting property from sale for State and county revenue.....	867	Withers,	880
Relative to the time required by circuit courts in each county.....	880	Brady,	880
On the subject of officers filing oaths.....	880	Crim,	880
On the subject of relocation of county seats.....	880	Shanklin,	880
On the subject of re-valuation of real estate and a Board of Equalization.....	901	Com. Ways & M..	903
Relative to printing 1500 of Auditor's report in German.....	905	Mr. Withers,	906
Relative to printing a portion of the laws in German.....	905	Barker,	906
Relative to exemption law continuing in force.....	906	Hicks,	
Relative to correcting journal, &c.....	941	Cookins,	

## RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES—Continued.

## SUBJECT MATTER OF.

	<i>Introduced.</i>	<i>Movers' Names.</i>	<i>Proceedings.</i>
On printing the report of the Board of Agriculture.....	949	Com. on Agricul.	949
Relative to the powers of the corporation of Bluffton.....	951	Mr. McDowell,	951
Relative to a State Board of Equalization.....	951	Carpenter,	951
On the subject of adjourning from 20th February to 1st March.....	951	Hicks,	957
Relative to auditor specifying in his report items of expense.....	957	Sumner,	



## REYNOLDS, ZIMRI.

Appeared and was qualified .....	4
Petitions by .....	62, 192, 516, 701
Resolutions by .....	81, 86, 231, 389, 679
Motions by .....	93, 154, 547, 772, 798, 816, 835, 857, 860, 881
Leave given to vote .....	614

## RUSSELL, ALEXANDER, W.

Communication by, relative to postage .....	430
---	-----

## SCHOONOVER, RODOLPHUS.

Appeared and was qualified .....	5
Reports by .....	365, 511
Bill by .....	511
Motions by .....	7, 37, 148, 155, 190, 262, 346, 778, 918

## SCUDDER, JOHN.

Appeared and was qualified .....	11
Petitions, &c., by .....	365, 378, 534
Report by .....	425
Resolutions by .....	85, 417
Motions by .....	282, 283, 572, 610, 691
Leave of absence granted to .....	787

## SECRETARY OF STATE.

Annual report of .....	75
Communication from, relative to extra duties of office and compensation therefor .....	506

## SERGEANT-AT-ARMS.

Washington P. Holloway elected .....	8
Dispensed with services of .....	206

## SHANKLIN, ANDREW.

Appeared and was qualified.....	4
Petitions by .....	305, 384, 817
Resolutions by.....	114, 195, 351, 867, 880
Motions by.....	235, 239, 324, 471, 629, 655, 766

## SINKING FUND.

Annual report of Commissioners of.....	76
--	----

## SITES, GEORGE L.

Elected Principal Clerk .....	7
-------------------------------	---

SMITH, ISAAC. (*of Marion.*)

Appeared and was qualified.....	4
Petitions, &c., by.....	66, 414, 650
Reports by.....	13, 200, 306, 341, 371, 421, 502, 549, 568, 593, 617 640, 652, 658, 685, 730, 763, 764, 786, 987, 924, 932, 971
Resolutions by .....	9, 11, 38, 47, 54, 79, 98, 242, 303, 326, 371
Bills by.....	30, 73, 149, 246, 302, 328, 845, 957
Notices by.....	56, 141, 235, 730, 932
Motions by.....	10, 11, 29, 42, 43, 48, 58, 74, 149, 155, 157, 159, 182 198, 247, 261, 268, 281, 287, 317, 336, 354, 395, 412 471, 582, 590, 608, 628, 630, 673, 688, 720, 764, 766 822, 824, 859, 954, 986, 989, 990, 992

SMITH, THOMAS M. (*of Spencer.*)

Appeared and was qualified.....	5
Petitions by.....	459
Report by .....	349
Resolutions by.....	113, 182, 226, 242, 307, 350, 353, 448, 551, 605 653, 689, 716
Bill by .....	115
Notice by .....	101
Motions by.....	126, 138, 157, 159, 187, 194, 207, 221, 256, 259, 281 283, 286, 336, 338, 391, 515, 610, 700, 711, 718, 741 808, 821, 857, 867, 873, 881, 904, 933, 934, 967

## SPEAKER.

Motion to go into election of.....	5
Election of.....	6
Address of.....	6
Laid before House communication from Superintendent of Common Schools .....	11
Laid before House Annual Report of Treasurer of State .....	12
Announced the Standing Committees .....	31
Announced the Order of Business .....	34
Laid before House communication from Principal Clerk.....	35
Laid before House Report of State Librarian .....	36
Laid before House Annual Report of Auditor of State.....	41
Laid before House Annual Report of the Commissioners and Superintendent of Indiana Hospital for Insane.....	48
Laid before House communication from Governor.....	54
Laid before House communication from Governor.....	55
Laid before House Reports of Branches of State Bank.....	58
Laid before House Annual Report of Trustees of Indiana In- stitute for the Education of the Blind .....	58
Laid before House communication from Governor.....	66
Laid before House communication from Mr. Pettit .....	66
Laid before House Annual Report of Secretary of State .....	74
Laid before House Report of Commissioners of the Sinking Fund .....	76
Laid before House Annual Report of State Bank.....	77
Laid before House communication from Door-keeper .....	83
Laid before House communication from Auditor of State .....	83
Laid before House Annual Report of the Trustees of Wabash and Erie Canal .....	91
Laid before House Report of Branch Bank at Indianapolis ...	101
Laid before House communication from Governor.....	118
Laid before House communication from Treasurer of State...	130
Laid before House communication from Auditor of State .....	133
Laid before House communication from " " .....	158
Laid before House communication from clerk of supreme court	213
Laid before House communication from Auditor of State.....	214
Laid before House communication from Treasurer of State...	220
Laid before House communication from Superintendent of Blind Asylum .....	221
Laid before House communication from Governor.....	222
Laid before House communication from Auditor of State.....	228
Laid before House communication from Clerk of House.....	249
Laid before House communication from Auditor of State.....	258
Laid before House communication from State Librarian.....	278
Laid before House communication from Governor.....	313
Laid before House communication from Daniel Read .....	321

Laid before House communication from Governor.....	387
Laid before House resolution by State Board of Agriculture..	403
Laid before House communication from Superintendent of the Asylum for Deaf and Dumb.....	423
Laid before House communication from Governor.....	427
Laid before House communication from Auditor of State.....	433
Laid before House communication from " " .....	435
Laid before House communication from " " .....	472
Laid before House Report of Trustees of Indiana University..	487
Laid before House communication from Pres't of State Bank.	505
Laid before House communication from Secretary of State...	506
Laid before House communication from Door-keeper of House	558
Laid before House communication from Auditor of State.....	573
Laid before House communication from Governor.....	577
Laid before House communication from Treasurer of State...	614
Laid before House communication from Trustees of Wabash and Erie Canal.....	615
Laid before House communication from Superintendent of Deaf and Dumb Asylum.....	648
Laid before House communication from President of M. & I. Railroad Company.....	661
Laid before House communication from Trustees of Blind In- stitute.....	663
Laid before House communication from President of M. & I. Railroad Company.....	683
Laid before House communication from Pres't of State Bank.	721
Laid before House communication from Auditor of State.....	725
Laid before House Report from President of Board of Com- missioners of the Hospital for the Insane.....	736
Laid before House Report from President of the Board of Trus- tees of the Asylum for Deaf and Dumb .....	739
Laid before House Report from chairman of the Board of Trus- tees of the Blind Institute .....	744
Laid before House communication from President of M. & I. Railroad Company.....	754
Laid before House communication from Auditor of State.....	756
Laid before House communication from " " .....	839
Laid before House communication from " " .....	883
Laid before House petition of sundry citizens of Lagrange co.	900
Laid before House Report of the President of the Indiana State Board of Agriculture.....	908
Laid before House communication from Governor.....	916
Laid before House communication from Auditor of State...	942
Laid before House communication from the Resident Trustee of the Wabash and Erie Canal .....	972
Laid before House communication from Governor.....	979
Laid before House communication from James Mitchell, Agent of Colonization Society.....	995

# SPENCER, JOHN W.

Appeared and was qualified.....	5
Petitions, &c., by.....	151, 285, 377, 384, 456, 731
Reports by.....	13, 77, 96, 224, 425, 466, 535
Resolutions by.....	8, 9, 10, 29, 43, 47, 81, 98, 100, 147, 150, 242, 411 543, 544, 551, 724, 750
Bills by.....	96, 470, 481, 754
Notice by.....	596
Motions by.....	5, 38, 39, 48, 49, 64, 73, 83, 157, 214, 217, 284, 300 312, 313, 316, 393, 396, 402, 420, 429, 529, 543, 626 656, 696, 700, 704, 719, 761
Leave of absence granted to.....	787
Leave given to vote.....	274

# STANDING RULES.

Adopted.....	50
Amendment to.....	746

# STANFIELD, THOMAS S.

Appeared and was qualified.....	5
Petition by.....	837
Reports by.....	104, 165, 423, 424, 457, 517, 595, 596, 617, 673, 723
Resolutions by.....	52, 167, 196, 255, 388, 410, 448, 576, 809
Bills by.....	197, 425, 623
Motions by.....	72, 80, 217, 278, 394, 475, 498, 550, 645, 659, 696, 697, 704, 758, 786, 791, 794, 854, 857, 898, 985

# STATE BOARD OF AGRICULTURE.

Resolution of.....	403
Annual Report of President of.....	908

# STATE LIBRARIAN.

Annual report of.....	36
Communication from, relative to stoves for Hall.....	278

## STATON, WILLIAM.

Appeared and was qualified.....	3
Petition by.....	559
Leave of absence granted to.....	427

## STEVENS, JOHN F.

Appeared and was qualified.....	4
Petitions, &c., by .....	315, 322, 385, 417, 732
Resolutions by.....	79, 99, 182, 312, 813
Bill by.....	933
Notice by.....	915
Motions by .....	39, 347, 953
Leave of absence granted to.....	44, 701

## STOVER, DANIEL C.

Appeared and was qualified.....	4
Petition by.....	304
Reports by.....	349, 476, 477, 620, 724, 949, 955
Resolutions by.....	45, 137, 155, 159, 350, 409, 449, 479, 551, 622, 818
Bills by.....	317, 349, 476, 620, 724, 850
Motions by .....	56, 98, 287, 323, 355, 395, 412, 455, 546, 551, 591
	610, 611, 623, 634, 759, 761, 765, 767, 768, 778, 786
	787, 792, 812, 819, 851, 870, 871, 897, 920, 953, 962
	980, 984
Leave of absence granted to.....	56, 683
Leave given to vote.....	426, 605

## STRUBLE, JOSEPH.

Appeared and was qualified.....	3
Petitions, &c., by.....	93, 104, 406, 636, 925
Report by.....	146
Resolutions by.....	80, 307, 417, 751
Bill by.....	146
Motions by .....	235, 547, 714
Leave of absence granted to.....	154

## STUART, WILLIAM Z.

Appeared and was qualified.....	3
Petitions, &c., by .....	92, 414, 516, 617, 702
Reports by.....	109, 193, 323, 324, 334, 336, 380, 416, 432, 459, 619 639, 652, 665, 688, 743, 803, 982
Resolutions by.....	46, 69, 340, 580, 598, 793
Bills by.....	113, 193, 343, 37, 380, 688, 729, 756, 808, 815, 897, 925
Notices by.....	863, 868
Motions by.....	57, 86, 88, 89, 93, 115, 140, 149, 174, 180, 186, 188 218, 219, 238, 245, 248, 260, 268, 271, 318, 324, 332 339, 343, 344, 371, 381, 393, 395, 461, 485, 486, 504 544, 555, 569, 570, 572, 580, 601, 606, 630, 634, 635 641, 644, 656, 677, 682, 690, 693, 698, 706, 711, 713 731, 741, 747, 792, 793, 800, 821, 823, 833, 836, 843 844, 849, 854, 861, 918, 939, 978, 987
Leave of absence granted to.....	281, 495

## SUIT, JAMES F.

Appeared and was qualified.....	3
Petitions, &c., by .....	103, 559
Reports by.....	92, 117, 239, 270, 303, 306, 320, 468, 785, 832, 860 873, 897, 956, 971, 994
Resolutions by.....	41, 71, 97, 259, 478, 582, 583, 763
Bills by.....	101, 729, 785
Notice by.....	92
Motions by.....	57, 116, 156, 169, 195, 247, 282, 284, 304, 318, 345 376, 383, 386, 410, 411, 475, 487, 533, 546, 582, 583 641, 693, 787, 844, 854, 857, 867
Leave of absence granted to.....	495

## SUMNER, THOMAS.

Appeared and was qualified.....	4
Petitions, &c., by .....	305, 378, 575, 732, 749, 784
Reports by .....	379, 476, 512, 514
Resolutions by .....	79, 196, 843, 957
Bills by.....	227, 379, 476, 512, 514, 952
Motions by.....	765, 770, 792, 865, 870, 881, 901, 937, 953

## SWEET, JEROME.

Appeared and was qualified.....	4
Petition by.....	49
Resolutions by.....	42, 451

## TAGGART, WILLIAM.

Appeared and was qualified.....	3
Resolutions by .....	100, 173, 315
Motions by.....	610, 634
Leave of absence granted to.....	281, 787, 900

## TEMPERANCE.

Petitions from Adams .....	548
Allen.....	732
Bartholomew ... ..	406, 636, 925
Blackford .....	474, 732
Boone .....	559
Carroll .....	222, 249, 322, 364, 501
Cass.....	414, 516, 702
Clark .....	330, 384, 604, 617, 702
Clinton.....	559
Decatur.....	315, 322, 385
Daviess .....	365, 564
Dubois .....	414
Elkhart .....	191
Franklin .....	348, 723
Fountain .....	414
Fulton .....	378, 474
Gibson .....	837
Grant.....	701
Hamilton .....	365, 817, 946
Hancock .....	604
Harrison .....	347, 663, 784
Hendricks .....	322
Henry .....	191, 330, 348
Howard .....	616, 722, 878
Jasper.....	817
Jay.....	604, 617
Jefferson .....	378, 406
Jennings ....	385, 407, 474, 533, 548, 559, 575, 702
	715, 817



Petitions from Knox .....	364
Lagrange .....	900
Laporte .....	330
Lawrence .....	385
Madison .....	305, 384, 817
Marion .....	384, 593
Marshall .....	576, 994
Martin .....	862
Miami .....	684
Monroe .....	104, 385
Montgomery .....	304, 315
Morgan .....	604
Ohio .....	285, 377, 384
Parke .....	926
Porter .....	161
Posey .....	593
Pulaski .....	222, 305, 315, 593
Randolph .....	385
Rush .....	384
St. Joseph .....	837
Shelby .....	414
Spencer .....	151
Sullivan .....	548, 576
Switzerland .....	285, 330, 348, 593, 784
Tippecanoe .....	104, 191, 304, 575
Tipton .....	161
Vanderburgh .....	534, 684
Vermillion .....	377, 701
Vigo .....	926
Wabash .....	249, 377, 650
Warren .....	456, 502
Wayne .....	222, 900
White .....	322, 348

### THOMPSON, MICHAEL.

Appeared and was qualified .....	4
Petitions, &c., by .....	67, 239
Report by .....	677
Resolutions by .....	204, 207, 241, 449, 456, 470, 527, 580
Motions by .....	707, 857

### TORBET, OLIVER B.

Appeared and was qualified .....	4
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Petitions, &c , by .....	229, 415, 731, 752
Reports by .....	93, 148, 417, 679
Resolutions by .....	56, 80, 174, 221, 390, 527
Bills by .....	41, 73, 94, 281, 597, 680, 751, 752, 844, 868
Notice by .....	859
Motions by .....	287, 292, 459, 529, 543, 610, 612, 638, 641, 666, 678 752, 753, 780, 787, 799, 881, 869, 990

## TREASURER OF STATE.

Annual Report of .....	12
Communication from, in relation to the number of acres of swamp land selected in each county of the State .....	130
Communication from, relative to county of Lake .....	220
Communication from, relative to duties and extra compensation	614

## VOTE.

Leave given to Mr. McDonald .....	170, 246
Donaldson .....	178, 614
Eccles .....	191
Cockrum .....	206, 238
Huffstetter .....	211
Dice .....	212
King .....	243
Humphreys .....	246
Spencer .....	274
Buskirk .....	275
Manson .....	275, 357, 703
Stover .....	426, 605
Graham .....	453, 572
Holman .....	481
Beach .....	481, 609, 629
Carpenter .....	530
English .....	541
Harrison .....	582
Hay of Clark .....	585
Crawford .....	601
Goudy .....	601
Gunn .....	611
Hart .....	614
Behm .....	614
Reynolds .....	614
Hunt .....	629

# WABASH & ERIE CANAL.

Annual Report of Trustees of.....	92
Communication from Resident Trustee .....	615
Communication from Resident Trustee of, in relation to cost of bridges, &c., constructed.....	972

# WALKER, MILTON.

Appeared and was qualified.....	4
Petition by.....	344
Report by.....	879
Resolution by.....	389, 842
Motion by.....	281
Leave of absence granted to .....	981

# WATSON, EBENEZER S.

Appeared and was qualified.....	4
Petition by .....	322
Resolutions by .....	71, 750
Bill by.....	301

# WELLS, SAMUEL T.

Appeared and was qualified.....	4
Reports by.....	638, 750
Resolutions by.....	70, 410, 481
Bills by.....	638, 651
Motions by.....	155, 168, 177, 236, 281, 559, 599, 683, 691, 933, 936

# WILLIAMS, JAMES D.

Appeared and was qualified .....	4
Petitions, &c., by.....	364, 558
Resolutions by .....	30, 75, 101, 388, 621, 653
Motions by.....	36, 97, 185, 211, 245, 309, 395, 455, 586, 696, 779, 803
	813, 822
Leave of absence granted to .....	851

## WILSON, JOHN.

Appeared and was qualified .....	5
Petitions, &c., by.....	348, 378, 385, 481, 501
Reports by.....	341, 362, 413, 494, 549, 557, 615, 635, 649, 672, 697, 940

## WITHERS, EMANUEL.

Appeared and was qualified.....	4
Petition by.....	305
Reports by.....	148, 535
Resolutions by.....	97, 225, 368, 381, 388, 409, 448, 480, 565, 605, 640, 641, 679, 717, 750, 867, 905
Motions by.....	151, 404, 406, 610, 672, 712, 714, 741, 809, 844, 857, 870, 877, 900, 919, 920, 922, 925

## ERRATA.

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- Page 117, sixteenth line from bottom, read "was read a third time."  
Page 149, thirteenth line from top, read "No. 12."  
Page 194, after the word "upon," in the third line, in place of the words "an act referred to it," read "House bill No. 14."  
Page 227, sixth line from the bottom, read "Morris," in place of "Morrison."  
Page 231, after No. 6, read "a joint resolution."  
Page 256, eleventh line, for "resolution" read "amendment."  
Page 270, last line, for "40" read "44."  
Page 272, eighth line, for "40" read "49."  
Page 446, fifth line from bottom, for "Stites" read "Sites."  
Page 494, sixteenth line, for a "constitutional majority" read "two-thirds."  
Page 623, for "Senate bill No. 17" read "House bill No. 17."  
Page 733, fourth line, after the word "referred" read "House bill No. 42."  
Page 794, for "9" read "109."  
Page 813, sixteenth and seventeenth lines, strike out the words "there not being a constitutional majority voting therefor."  
Page 833, ninth line from bottom, after "pass" read "there not being a constitutional majority voting therefor."  
Page 876, sixteenth line, after the word "pass" read "there not being a constitutional majority voting therefor."  
Page 923, seventeenth line, strike out the words "no quorum voting."











